

# **BOROUGH OF BARROW-IN-FURNESS**

## **OVERVIEW AND SCRUTINY COMMITTEE**

Meeting: Thursday, 26th May, 2022  
at 2.00 pm (Banqueting Hall)

### **A G E N D A**

#### **PART ONE**

1. Apologies for Absence/Attendance of Substitute Members.

2. Urgent Items

To deal with any items which the Chair considers to be of an urgent nature.

3. Delegations

To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

4. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

5. Declarations of Interest

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

6. Minutes

To confirm the Minutes of the meeting held on 24th March, 2022.

## 7. Public Participation

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so by no later than 5pm two working days before the meeting. Information on how to make the application can be obtained by viewing the Council's website [www.barrowbc.gov.uk](http://www.barrowbc.gov.uk) or by contacting the Democratic Services Team at (ctteadmin@barrowbc.gov.uk) or by telephone on (01229 876322).

- (1) Questions and Representations  
To receive any questions or representations which have been received from members of the public
- (2) Deputations and Petitions  
To receive any deputations or petitions which have been received from members of the public.

## 8. Terms of Reference

15 - 18

To note the Terms of Reference for the Overview and Scrutiny Committee.

### **FOR DECISION**

## ( ) 9. Affordable Housing and Developer Contributions SPD

19 - 22

To Note the content of the Affordable Housing and Developer Contributions SPD and the consultation which has been undertaken and provide any feedback on the document; and

Agree that the SPD be submitted to Executive Committee followed by Full Council for adoption.

**NOTE**            **(D) – Delegated**  
                      **(R) – For Referral to Council**

### **Membership of Committee**

Councillors    Cassidy (Vice-Chair)  
                      Gawne  
                      Johnston  
                      W. McClure  
                      McEwan  
                      Mcleavy  
                      Morgan  
                      Preston  
                      Robson  
                      Ronson  
                      C. Thomson

**For queries regarding this agenda, please contact:**

**Katie Pepper**

**Democratic Services**

**Officer**

**01229 876314**

**[kpepper@barrowbc.gov.uk](mailto:kpepper@barrowbc.gov.uk)**

Published: Wednesday, 18 May 2022

This page is intentionally left blank

## **BOROUGH OF BARROW IN FURNESS**

### **OVERVIEW AND SCRUTINY COMMITTEE**

Meeting: Thursday 24<sup>th</sup> March, 2022  
at 2.00 pm. (Banqueting Hall).

PRESENT:- Councillors McLeavy (Chairman), Cassidy (Vice-Chairman), Assouad, Gawne, McEwan, Morgan, Robson and C. Thomson.

Officers Present:- Paula Westwood (Scrutiny and Democratic Services Team Leader) and Katie Pepper (Democratic and Electoral Services Officer).

#### **41 – Apologies for Absence/Attendance of Substitute Member**

Apologies for absence had been submitted from Councillors McClure, Preston and M. A. Thomson.

Councillor Assouad had attended as a substitute for Councillor M. A. Thomson.

#### **42 – Declarations of Interest**

Councillor McEwan declared an interest in Agenda Item 8 – Work Programme Update (Crellin Street) – Minute No, 45 refers, as he was a Member of Cumbria County Council.

#### **43 – Minutes**

The Minutes of the meeting held on 16<sup>th</sup> December, 2021 and 3<sup>rd</sup> February, 2022 were taken as read as confirmed.

#### **44 – Public Participation**

RESOLVED:- To note that no questions, representations, deputations or petitions had been received in respect of the meeting.

#### **45 – Work Programme Update**

The Scrutiny and Democratic Services Team Leader had submitted a report outlining a summary of the progress made in respect of each topic as follows:-

##### Flooding on Walney Promenade

At the previous meeting, the Committee had requested the Scrutiny and Democratic Services Team Leader to make contact with United Utilities to establish if they would be in a position to provide an update. She reported that United Utilities had advised that with the area being a SSSI site, they were not able to start the work until permits had been issued from Natural England and the Marine Maritime Industry. They would be in

touch once permits had been received and works had started, in order to attend the next available meeting.

This review had therefore been paused for the time being.

#### Discretionary Housing Fund and Supported Housing Payments

At the previous meeting of the Committee the Chair had raised that the review had been taken out of the Committee's hands which they had originally been tasked to do. The Committee had requested that contact be made with the Chair of the Executive Committee to obtain an update on the issue. The review had been paused for the time being whilst further discussions took place regarding the scope of the review.

The review had been initiated by Cllr Ann Thomson, Leader of the Council. Following the last meeting, the Scrutiny and Democratic Services Team Leader had contacted the Leader to seek clarity on the scope of the review. However, it had since been agreed by the Executive Committee at their meeting on 9th March, as part of the Annual Review of the Constitution, to recommend the Council to agree that the Leader of the Council should not sit on Overview and Scrutiny Committee. The Committee had therefore been requested to consider whether they wished to continue the review and if so, the scope of the review and expected outcomes would need to be determined.

It was moved by Councillor Morgan and seconded by Councillor McEwan that the review into Discretionary Housing Fund and Supported Housing Payments should continue.

The Scrutiny and Democratic Services Team Leader had requested nominations for a Member to replace Councillor M. A. Thomson on this Work Group.

#### Arrangements for the Management of Piel Island

At the previous meeting of the Committee, Councillor McClure Chair of the Work Group had confirmed that following the meeting of the Work Group on 25th January, 2022 the Work Group had been satisfied that the review could be concluded. The Chair had requested Councillor McClure to report her recommendations at the next Committee meeting to conclude the review. The final report from the Piel Island Work Group had been covered under a separate agenda item (Minute No. 46 refers).

#### Impact of Covid-19 Going Forward

The Work Group had met on 7th February. Information had been noted including:-

- The number of cases in Cumbria throughout January had reduced, with the most significant reduction seen in the second week of January, then a steady decline thereafter;
- The rolling seven day average number of cases in Barrow at the time had been around 500 cases per 100,000 population which was similar to the other Districts in Cumbria. It was envisaged that case numbers would likely remain at that level as the Omicron variant was highly transmissible;

- It was anticipated that by the end of March, isolation rules would be lifted, although it was envisaged that PCR testing would remain in some form to test for new variants;
- The Council's Contact Tracing Team continue to assist the NHS Test and Trace System by contacting 'hard to reach' cases;
- Covid Marshalls had reduced to one session per fortnight on a Saturday morning at the Alfred Barrow Health Centre with around 500 vaccinations each session plus walk-ins.

The Work Group had considered that it would be appropriate to meet again at the end of March when it was anticipated that isolation rules would be lifted.

At the meeting the Chair advised that the vaccination programme would be increased with the new programme seeing around 5,000 over 75's or extremely vulnerable being offered vaccinations.

It had been noted that with rising case numbers and the virus still very active in the community, the Work Group would continue to meet regularly.

#### Crellin Street

At the previous meeting, the Committee had agreed that a Work Group be established to look further into ongoing issues in the Crellin Street vicinity emanating from food takeaway delivery services including parking on double yellow lines, obstructing delivery wagons and other road users, as well as reports of residents feeling intimidated walking past crowds of Uber Eats Drivers.

Following the initial meeting of the Work Group on 8th February, Members of the Work Group had requested for additional representatives to be invited to meet with them including Graham Barker (Head of Public Protection, Barrow Borough Council), as well as a representative from the Police and Cumbria County Council.

Councillor McEwan provided an update to the Committee stating that Barrow Local Committee had presented the issue to Cumbria County Council's Cabinet the previous week where the Cabinet had agreed to support Barrow Local Committee's request and explore the process and feasibility of adopting the DVLA devolved powers from the Secretary of State for Transport to take enforcement action on untaxed vehicles. He had suggested that in view of that, this review should be paused.

#### RESOLVED:-

1. To note the updates on progress in respect of each of the Work Groups;
2. To agree that the review into Discretionary Housing Fund and Supported Housing Payments should continue and that Councillor Assouad would join the Work Group and Councillor Morgan would be appointed the Lead Member on the Work Group; and
3. To agree that the review into Crellin Street should be paused.

## 46 – Final Report of the Scrutiny Working Group – Piel Island

The Scrutiny and Democratic Services Team Leader had presented the final report of the Scrutiny Work Group – Piel Island. The report outlined the background and scope of the review into the future management arrangements for Piel Island, along with the recommendations and conclusions from the Work Group as follows:-

### Background

Barrow Borough Council were the custodian of Piel Island and until late May 2021, the management of Piel Island, including the running of the Ship Inn, maintaining the toilet block and the Island grounds had been undertaken by the holders of a lease from the Council. The Leaseholders had decided before the end of their lease that they wished to terminate the arrangement.

Ensuring that Piel Island could be shown to its best advantage, the Council needed to fully understand its full potential for the future. To enable the Ship Inn to reopen after a period of closure and early termination of the lease had taken considerable effort from a team of Council Officers who had volunteered to go over to Piel Island and repaint it, organise deep cleaning and deal with a range of other issues. This had been done within a couple of weeks to then enable the Council to show prospective interested partners around the premises.

For the last season and in the light of the impact of Covid, a pilot partnership approach had been put in place with a provider to truly understand what the longer-term management arrangements might look like to make the best of Piel Island for all. The provider was a local company that had experience in running pubs and they subsequently established the Piel Island Pub Company. The arrangement had been that it would be from June to September 2021 and be open book accounting to understand the cost and income from Piel Island.

### Scope of the Review

The Work Group wished to ensure that any long-term future management arrangements for Piel Island would be considered thoroughly in an open and transparent manner to ensure that a suitable and experienced operator would be appointed.

### Details of the Review

Members of the Work Group had visited Piel Island and had attended a number of meetings with the Director of People and Place during their review.

The Work Group had concluded the following lessons learnt from the 2021 season:-

- Piel Island was a unique place and any operator needed to appreciate the constraints offered by power, weather, access and its location within an area of Site of Special Scientific Interest;
- Visitors to Piel Island were short stay and wanted a basic meal and drink;



- Camping and paying a small fee for that was popular;
- The relationship with the ferry operator and the management arrangements for Piel Island were really important;
- Alternative access arrangements off the island besides the ferry needed to be in place;
- More outside seating was needed to facilitate visitors;
- The community ownership of Piel Island and its local appeal and natural habitat was really important;
- There were no incidents of anti-social behaviour reported, which was contrary to perception;
- Any operator needed to manage and maintain the Island and its assets to a standard that the Council expects;
- All aspects of the Island except for external urgent repairs to the buildings and jetty maintenance would be the responsibility of the operator;
- Emergency planning for incidents with agencies was an essential part of any future management arrangements;
- There was potential for events and Piel Island was an essential element of any destination marketing. Any operator would need a formal relationship with the Council to enable this;
- Communications about Piel Island and whether buildings were open and food and drink was being served would be the responsibility of the operator; and
- Any operator needed experience in operating a licenced premises and with access to staff, financial sustainability and be prepared to open for a short period of the year whilst retaining responsibility for the premises and the Island all year round.

At the meeting of the Overview and Scrutiny Committee on 16th December, 2021 a detailed report had been presented from the Director of People and Place regarding the future management arrangements of Piel Island. The Committee had considered that report and agreed a number of recommendations to the Executive Committee as follows:-

- Agree to the proposed management arrangements as set out in the report and delegate authority to the Director of People and Place, in consultation with the Chair of Executive Committee, to undertake the procurement process and award the new contract;
- Note their appreciation for the work that officers put into getting the Ship Inn ready to be re-opened this season at very short notice;
- Note the lessons learnt from the partnership approach and thank the Piel Island Pub Company for their contribution; and
- Note that the Overview and Scrutiny Committee Piel Island Working Group would continue to receive progress updates.

The Committee had welcomed the plan for the future management arrangements of Piel Island but the Work Group needed to understand what had happened in the past, in terms of the selection process for the temporary operator for the 2021 season. A

number of questions in that regard had been raised at the meeting which had been taken forward to a meeting of the Work Group in January 2022.

### Conclusion

Following further discussions with the Director of People and Place at the Work Group meeting in January 2022, the Work Group had concluded that they were satisfied that due process had been followed to set up the partnership arrangements for the 2021 season and that the Officers involved had done a fantastic job in the short space of time and other challenges faced, including Covid, to get the Island and the Pub up and running for the start of the season and to make Piel Island and its facilities available as often as possible for visitors during the 2021 season.

In respect of the long-term future management arrangements for Piel Island, it had been noted as per the recommendations to the Executive Committee outlined above that an open and transparent procurement process had been undertaken to award the new contract and the Work Group had welcomed the opportunity for them to oversee the Scoring Panel for the Tender submissions.

The Work Group wished to make the following recommendations to the Executive Committee in order to conclude the review:-

- Clear, concise and agreed requirements to be set for the tenant who was selected;
- A targeted media campaign to be established to find the most suitably qualified tenant;
- Members of the Piel Island Scrutiny Work Group to be given the opportunity to oversee the scoring process;
- Visibility to Members of profit/loss e.g. performance management information on a regular basis (3 times annually);
- All Members to be kept fully updated on activities, performance and issues etc encountered by the Council and the Tenant at least twice annually or more frequently as necessary;
- Consideration be given to a Piel Island Member Group

It was moved by Councillor McEwan and seconded by Cassidy, and

### RESOLVED:-

1. To note the outcome of the review detailed in the report and that the Scrutiny Work Group for Piel Island had been satisfied for the review to be concluded; and
2. To agree that the report be submitted to Executive Committee for consideration of the recommendations as set out in the report.

## 47 – Work Programme for 2022/23

The Scrutiny and Democratic Services Team Leader reported that the Overview and Scrutiny Committee were responsible for setting their own Work Programme and were expected to review at least one major policy issue during the municipal year. The Committee must give serious consideration to the number of issues to be reviewed during the year, to ensure that they were able to allocate resources sufficient to facilitate a thorough review of the issues selected.

An efficient and effective Overview and Scrutiny Committee work planning process ensured that the maximum value could be made of the Council's resources and that the outcome of the work would be linked to the Council Plan priorities. To that end, the Overview and Scrutiny Committee had adopted the following agreed procedure for work programming (Minute No. 35 of 16th December, 2021 refers):-

- Annual public consultation exercise to bring forward potential items for consideration;
- Preliminary prioritisation of submissions conducted by the Chair and Vice Chair and the Council's Senior Management Team using the agreed Work Planning Aid;
- A Work Planning Workshop involving the Committee members to allow discussion of the topics in an informal setting; and
- The proposed Work Programme to be agreed by the Committee

Submissions for topics had been invited from the public, all Borough Councillors, Senior Officers within the Council, Parish and Town Council Clerks and partner organisations via a survey link on the Council's website.

The consultation exercise had brought forward two suggestions as follows:-

- 1) The Council's ongoing policy to prevent public access to the Town Hall; and
- 2) Transparency.

Further details had been provided as an Appendix to the report.

The Council's Senior Management Team had also considered that the following policies/strategies should pass through Scrutiny for consideration:-

- 1) Equality Strategy and Action Plan;
- 2) Customer Strategy and Action Plan;
- 3) Growing Forward Report and Action Plan; and
- 4) Anti-Social Behaviour Strategy

The Scrutiny and Democratic Services Team Leader had recommended that the following new items be included in the Work Programme for 2022/2023 in the following order of priority:-

- Review of Customer Strategy and Action Plan;

- Review of the Growing Forward Report and Action Plan;
- Review of Anti-Social Behaviour Strategy; and
- Review of Equality Strategy and Action Plan.

The Committee had been requested to note that the following items from the 2021/2022 Work Programme were still ongoing/paused and would be carried forward into 2022/2023:-

- Crellin Street (Paused)
- Flooding on Walney Promenade (Paused)
- Discretionary Housing Payments (Ongoing)
- Impact of Covid-19 Going Forward (Ongoing)

The Committee may have the capacity to undertake additional reviews throughout the year should the need arise. Any additional items for consideration would be considered in conjunction with the Work Planning Aid agreed by the Committee at their meeting on 16th December, 2021.

It was moved by Councillor Cassidy and Seconded by Councillor McEwan that a review of the memorial benches policy be added to the work programme, this would take place six months after implementation of the policy (after 10<sup>th</sup> May).

The Scrutiny and Democratic Services Team Leader had requested the Committee to confirm the Membership of the Work Group for reviewing the Memorial Benches Policy.

It was moved by Councillor Cassidy and seconded by Councillor McEwan, and

RESOLVED: -

1. To agree that the following new items, in priority order as listed, be included in the Work Programme for 2022/2023:--
  - Review of Customer Strategy and Action Plan;
  - Review of the Growing Forward Report and Action Plan;
  - Review of Anti-Social Behaviour Strategy; and
  - Review of Equality Strategy and Action Plan;
2. To note that the following items from the 2021/2022 Work Programme would be carried forward into 2022/2023:-
  - Crellin Street (Paused);
  - Flooding on Walney Promenade (Paused);
  - Discretionary Housing Payments (Ongoing); and
  - Impact of Covid-19 Going Forward (Ongoing); and

3. To agree that a review of the Memorial Benches Policy be undertaken after 10<sup>th</sup> May and the Work Group for that review would comprise of Councillors Cassidy (Lead), Gawne, McEwan and McLeavy.

**REFERRED ITEM**

**THE FOLLOWING MATTER IS REFERRED TO COUNCIL FOR DECISION**

**48 – Annual Report of the Overview and Scrutiny Committee 2021/2022**

The Scrutiny and Democratic Services Team Leader had presented the Annual Report of the Overview and Scrutiny Committee for 2021/2022 which looked back at the work of the Committee for the previous 12 months, as well as looking ahead into 2022/2023. She advised that the Overview and Scrutiny Committee must report annually to Full Council on its workings and make recommendations for the future work programme and amended working methods if appropriate.

It was anticipated that, subject to the Committee's approval of the Annual Report, it would be presented to Council at its Annual Meeting on 18th May, 2022. .

The Committee had been requested to note that, following agreement of the items to be included in the Work Programme for 2022/2023 (as outlined in Minute No. 47), details of this would be included in the Annual Report to be presented to Council.

It was moved by Councillor McEwan and seconded by Robson, and

**RESOLVED:** - To recommend the Council to approve the Annual Report for 2021/2022.

The meeting closed at 2:26 p.m.

This page is intentionally left blank

## Terms of Reference

<b><u>Overview and Scrutiny Committee</u></b>		
<b>Membership</b>	<b>Terms of Reference</b>	<b>Delegation of Functions</b>
12 members of the authority	<ul style="list-style-type: none"> <li>• To investigate, scrutinise, monitor, oversee and comment on service delivery mechanisms, policy implementation, or any other issue affecting the Borough of Barrow-in-Furness or its residents provided that they have previously been considered by either the Executive Committee or Council.</li> <li>• Appoint such Sub-Committees as it considers appropriate to fulfil those overview and scrutiny functions</li> </ul> <p><b>Policy development and review.</b></p> <ul style="list-style-type: none"> <li>• assist the Council in the development of its budget and policy framework by in-depth analysis of policy issues;</li> <li>• conduct research, community and other consultation in the analysis of policy issues and possible options;</li> <li>• consider and implement mechanisms to encourage and enhance community participation in the development of policy options;</li> <li>• question Members of Committees and Chief Officers about their views on issues and proposals affecting the area; and</li> <li>• liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.</li> </ul>	The Committee may, appoint Sub-Committees to deal with particular issues including the development of the Council's budget.

	<p><b>Scrutiny</b></p> <ul style="list-style-type: none"><li>• review and scrutinise the decisions made by and performance of Committees and Council Officers both in relation to individual decisions and over time;</li><li>• review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;</li><li>• question Members of Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;</li><li>• make recommendations to the Executive Committee and/or Council arising from the outcomes of the scrutiny process;</li><li>• review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and</li><li>• question and gather evidence from any person (with their consent).</li></ul> <p><b>Annual report</b></p> <ul style="list-style-type: none"><li>• Must report annually to Full Council on its workings and make recommendations for future work programme and amended working methods if appropriate.</li></ul> <p><b>Officers</b></p> <ul style="list-style-type: none"><li>• May exercise overall responsibility for the work programme of the Officers employed to support its work.</li></ul>	
--	---	--





This page is intentionally left blank

**PART ONE**

**Barrow Borough Council**  
**Overview & Scrutiny Committee**  
**Thursday, 26 May 2022**  
**Affordable Housing and Developer Contributions SPD**

---

**Report from:** Helen Houston, Head of Regeneration & Planning Policy

**Report Author:** Matthew Park, Planning Policy Officer

**Wards:** (All Wards);

---

**1.0 Summary and Conclusions**

1.1 The purpose of this report is to seek approval of the Affordable Housing and Developer Contributions Supplementary Planning Document (SPD) for Barrow. The SPD sets out the Council's proposed approach to the delivery of affordable housing and to seeking financial contributions from developers for infrastructure and services. The document has been prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012.

**2.0 Recommendation**

2.1 **It is recommended that Committee:-**

- 1) **Note the content of the Affordable Housing and Developer Contributions SPD and the consultation which has been undertaken and provide any feedback on the document.**
- 2) **Agree that the SPD be submitted to Executive Committee followed by Full Council for adoption.**

**3.0 Background and Proposals**

3.1 The Affordable Housing and Developer Contributions Supplementary Planning Document (SPD) sets out the Council's proposed approach to the delivery of affordable housing and the approach to seeking financial contributions from developers for a variety of infrastructure and services.

3.2 The requirement for affordable housing delivery is set out in Policy H14 of the Local Plan. The type of contributions a developer may be expected to make for other infrastructure and services is set out in Policy I1. This policy links to the Council's Infrastructure Delivery Plan, which sets out as far as possible the

infrastructure and services that are required to support the development proposed in the Local Plan.

- 3.3 The SPD will support Policies H14, I1 and other relevant Local Plan policies by providing greater clarity and certainty to developers, landowners and the community on how affordable housing should be delivered and what contributions will be expected from new development for infrastructure.
- 3.4 The SPD does not present every possible circumstance where developer contributions may be sought. Rather, it focuses on the following themes:
- Affordable Housing
  - Highway Infrastructure
  - Cycling and Walking Infrastructure
  - Public Transport
  - Travel Plans
  - School Places
  - Children's Play Areas
  - Green Infrastructure
  - Health Services.

### Engagement

- 3.5 Several internal meetings were held with representatives from Planning and Housing during the preparation process to discuss how to implement the affordable housing policy in the Local Plan. This has informed the affordable housing section of the SPD.
- 3.6 The Council's Infrastructure Delivery Plan (IDP) was used as the starting point for the remaining sections of the SPD. The IDP was informed by the results of extensive meetings and consultation with infrastructure and service providers and was considered during the Local Plan Examination. More recently, meetings have been held with the County Council and the Morecambe Bay CCG. In particular, a number of meetings have been held with the Local Highway Authority to discuss contributions for junction improvements.
- 3.7 Informal consultation took place on the SPD with Housing and Planning last year, and the SPD was updated accordingly. Informal consultation with the County Council also took place.

### **4.0 Consultation**

- 4.1 Public consultation took place on the SPD for six weeks from Tuesday 14th December 2021 to Tuesday 25th January 2022. The SPD was available to view on the Council's website and in hard copy at The Forum, Barrow, Dalton Town Hall and libraries in the Borough during their normal opening times.
- 4.2 Responses to the consultation were received from the following bodies:

- CITB
- Cumbria County Council
- Department for Education
- Environment Agency
- Historic England
- Homes England
- Natural England

4.3 The main comments received were from Cumbria County Council, who suggested that clarity be provided regarding the general approach to viability. They also expressed concern over the use of thresholds to determine when contributions should be requested (e.g. housing development of more than 10 dwellings may be required to contribute towards highway improvements), preferring for these to be removed. The SPD was therefore updated to accord with these comments. The Consultation Statement is included in Appendix 2.

4.4 Members of Planning Policy Working Group have reviewed the document at each draft stage and the consultation responses received.

## **5.0 Alternative Options**

5.1 That Members do not approve the Affordable Housing and Developer Contributions SPD and rely solely on the policies within the Local Plan.

## **6.0 Contribution to Council Plan Priorities**

6.1 The SPD will help to deliver the Council's Place Priority by supporting the delivery of a diverse housing offer, where everyone can expect a decent home they can afford to live in; and also in promoting enhanced greener spaces. It will also help to deliver the Prosperity Priority by supporting the delivery sustainable public transport, walking and cycling to promote and improve active travel.

## **7.0 Implications**

### **7.1 Financial, Resources and Procurement**

7.1.1 No financial implications are associated with the proposals set out in this report.

7.1.2 The contributions are held separately within the Council's accounts.

### **7.2 Legal**

7.2.1 No legal implications are associated with the proposals set out in this report.

### **7.3 Local Government Reorganisation**

7.3.1 The SPD will have no impact on Local Government Reorganisation, each authority will continue to use their adopted Local Plans and guidance for decision making until such time as joint policy is established for Westmorland & Furness Council.

## 7.4 Equality and Diversity

7.4.1 The report has no direct Equality and Diversity implications.

### Risk

Risk	Consequence	Controls required
Not to approve the Affordable Housing and Developer Contributions SPD.	Developers and officers will lack clarity on the delivery of affordable housing and the seeking of financial contributions.	The SPD may be reviewed if government guidance regarding affordable housing and developer contributions is updated.

### Contact Officers

Helen Houston, [hhouston@barrowbc.gov.uk](mailto:hhouston@barrowbc.gov.uk)

Matthew Park, [mpark@barrowbc.gov.uk](mailto:mpark@barrowbc.gov.uk)

### Appendices Attached to this Report – *If none, please state none or delete section*

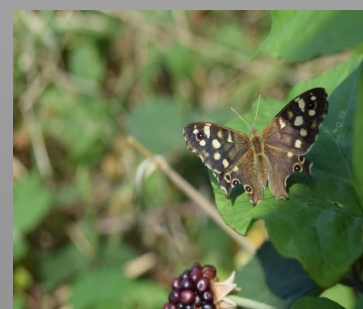
Appendix No.	Name of Appendix
1	Affordable Housing and Developer Contributions SPD (May 2022)
2	Consultation Statement (May 2022)

### Background Documents Available - None



# Affordable Housing and Developer Contributions

## Supplementary Planning Document (SPD)







## Contents

1.0 Introduction .....	3
2.0 Affordable Housing .....	7
3.0 Highway Improvements.....	19
4.0 Cycling and Walking Infrastructure.....	22
5.0 Public Transport.....	24
6.0 Travel Plans.....	26
7.0 Schools.....	27
8.0 Children’s Play Areas.....	32
9.0 Biodiversity Net Gain.....	35
10.0 Green Infrastructure.....	36
11.0 Healthcare .....	36
12.0 Section 106 Monitoring Fees .....	40
13.0 Reporting on Developer Contributions .....	42

## 1.0 Introduction

- 1.1 This Supplementary Planning Document sets out Barrow Borough Council's (the Council's) approach to the delivery of affordable housing and the approach to seeking financial contributions from developers for a variety of infrastructure and services. The document has been prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 Developer contributions are essential in providing the funds required to provide the necessary infrastructure and services to support new development. Such contributions may take the form of a Planning Obligation by means of a Section 106 agreement (or Section 278 agreement for works to be carried out on the public highway).
- 1.3 This guidance does not present every possible circumstance where developer contributions may be sought. Rather, it focuses on the following themes:
- Affordable Housing
  - Highway Infrastructure
  - Cycling and Walking Infrastructure
  - Public Transport
  - Travel Plans
  - School Places
  - Children's Play Areas
  - Green Infrastructure
  - Health Services.

### Barrow Borough Local Plan 2016-2031

- 1.4 Policy I1 of the Local Plan sets out the type of contributions a developer may be expected to make to assist in mitigating the effect of the proposed development in the existing community. The policy states that the types of infrastructure that developments may be required to provide contributions towards include, but are not limited to:
- Utilities and waste;
  - Flood prevention and sustainable drainage measures;
  - Transport (highway, rail, bus and cycle / footpath network and any associated facilities);
  - Community Infrastructure including health, education, libraries, public realm, heritage and geological assets and other community facilities;
  - Green Infrastructure (such as outdoor sports facilities, open space, parks, allotments, play areas, enhancing and conserving biodiversity and management of environmentally sensitive areas); and
  - Climate change and energy initiatives through allowable solutions.

- 1.5 This SPD supports Policy I1 by providing greater clarity and certainty to developers, landowners and the community on what contributions will be expected from new development.
- 1.6 The Local Plan contains a number of specific policies which could result in developer contributions being requested. These include:
- Policy I3 – Access to Community Facilities
  - Policy I4 – Sustainable Travel Choices
  - Policy I5 – Travel Plans
  - Policy EC3 – Managing the development of Employment Land
  - Policy H7 – Housing Development
  - Policy H14 – Affordable Housing
  - Policy N3 – Protecting Biodiversity and Geodiversity
  - Policy GI1 – Green Infrastructure
  - Policy GI4 – Green Spaces
  - Policy HC10 – Play Areas
  - Policy HC15 – Education Provision.
- 1.7 It should be noted that some infrastructure and service providers have policies that are relevant to assessing developments and requesting developer contributions. For example, Cumbria County Council will have regard to the Cumbria Planning Obligations Policy when requesting contributions.

### **Identifying Infrastructure Requirements**

- 1.8 The Infrastructure Delivery Plan (IDP) establishes what additional infrastructure and service needs are required to support the level of development proposed in the Barrow Borough Local Plan. This has been produced through engagement with infrastructure and service providers, including the Local Highway Authority and the Local Education Authority. The IDP will be updated to take account of more recent evidence, such as new transport assessments and updated information from service providers. The IDP will help to ensure that the additional infrastructure and services that are needed to support development are identified and delivered in a timely, co-ordinated and sustainable way. It is a mechanism for improving delivery of facilities and services for the benefit of local communities and will provide a robust framework that will support bids for funding and assist decision making.
- 1.9 The IDP is supported by the Barrow Transport Improvement Study 2016 (Stages 1 and 2 Assessments). This sets out traffic modelling results and recommends a number of improvements at junctions in the Borough, including designs and costs. In 2020, a Stage 3 Assessment was produced which prioritises schemes and provides detailed designs and updated costs. The IDP will be updated to take account of the Stage 3 Study.
- 1.10 The Barrow Transport Improvement Study 2016 (Stages 1 and 2 Assessments) also sets out recommendations for walking, cycling and public transport infrastructure /

service improvements to support the Local Plan. More recently, a Local Cycling and Walking Infrastructure Plan (LCWIP) is being prepared by Cumbria County Council, in partnership with Barrow Borough Council, and this will include a Cycling Priority Network with infrastructure improvements taking place over several phases. There is an intention to include the routes and improvements within the Barrow LCWIP priority network within the next iteration of the IDP to facilitate delivery

### **Affordable Housing**

- 1.11 The requirement for affordable housing delivery is set out in Policy H14 of the Local Plan. In line with the NPPF, this policy expects that 10% of dwellings on sites of ten units or over should be affordable. Alternatively, contributions to the provision of affordable housing off-site will be considered where justified. The Council's Strategic Housing Market Assessment is the key evidence in terms of identifying local housing needs. Further clarification on the application of Policy H14 is provided in this SPD.

### **Approach to Securing Planning Obligations**

- 1.12 Paragraph 57 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 state that planning obligations must only be sought where they meet all of the following tests:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
- 1.13 Dates will be identified within planning obligation agreements when financial contributions will be provided. These dates are known as 'trigger points'. For larger developments, financial contributions may be linked to each stage of the development. In all cases, the Council will liaise with the developer to agree appropriate trigger points.
- 1.14 Planning obligation agreements will also include dates by which the Council must spend any financial contributions they have received from developers. Any contribution that is not spent by the specified date will be returned to the developer, along with any interest accrued in that time period. For larger improvement schemes that will be delivered over time, this will normally be ten years. For large developments where staged payments are made as the development progresses, the timeframe for spending the contribution will be calculated from the date of the last scheduled payment.

### **Viability**

- 1.15 There may be planning applications where the total cumulative cost of affordable housing provision and / or the requested developer contributions will undermine the deliverability of the development. In such cases, each planning application will be assessed on its individual merits. Paragraphs 2.16, 2.20 and 2.28-2.32 sets out more detail on affordable housing viability and viability appraisals.

- 1.16 In terms of infrastructure, the local planning authority will work with other infrastructure and service providers to determine which infrastructure requirements created by a proposal will take priority, taking account of the relevant policies of the Local Plan. In cases where the applicant is seeking the reduction in the level of financial contributions, an independent viability appraisal will be required from the applicant. The local planning authority will engage with Cumbria County Council in reviewing this appraisal.
- 1.17 If it is determined that viability and deliverability concerns are justified, material and reasonable, joint consideration will be given to the potential to reapportion contributions or seek revision to the proposal. Regard will be had to the most important agreed priorities and outcomes for a locality and the requirement that a scheme suitably and sustainably integrates with local communities and services. Where necessary planning obligations are not provided without an appropriate and demonstrable justification, the planning application will be refused. In such cases, the request for a contribution towards the provision of infrastructure should be recorded for consideration by a Planning Inspector in the event of a planning appeal.

#### **Pre-Application Advice**

- 1.18 The Council operates a Pre-Application Advice service, and it is advised that this is used prior to the submission of a planning application. This will help the Council to understand the proposed scheme in advance of a planning application and will enable consultation with the County Council and other key stakeholders, so as to provide an indication of the level of contributions that could be required as a result of the proposed development.

## 2.0 Affordable Housing

### Types of Affordable Housing

2.1 The NPPF Glossary provides the following definition of affordable housing:

**Affordable housing:** housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

2.2 In May 2021, the government introduced its requirements and guidance for First Homes. First Homes are a specific kind of discounted market sale housing and

should be considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:

- a) Must be discounted by a minimum of 30% against the market value;
- b) Are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) On their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) After the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

## **Planning Policy Requirements**

### National Planning Policy

2.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It requires at least 10% of homes for major housing developments to be affordable. Paragraph 62 of the NPPF expects the provision of affordable housing to be met on-site unless:

- a) Off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) The agreed approach contributes to the objective of creating mixed and balanced communities.

2.4 See paragraphs 61-64 of the NPPF for further information.

### Local Planning Policy

2.5 The Barrow Borough Local Plan 2016-2031 sets out the local authority's planning policies for Barrow Borough. Policy H14 of the Local Plan expects that 10% of dwellings on sites of ten units or over should be affordable as defined in the NPPF. Contributions to the provision of affordable units off-site will be considered where justified.

### Exempt Development

2.6 Local Plan Policy H14 Affordable Housing applies to all residential new-build developments and conversions, apart from the following exceptions:

- Residential Care / Nursing Homes (not including Extra Care or similar independent older persons' schemes)

- Hostels (providing supported accommodation)
- Student accommodation – where this is provided by, or directly linked to, a local further or higher education establishment, such as the University of Cumbria or Furness College.

### **Delivery of Affordable Housing**

- 2.7 As set out above, the provision of affordable housing is expected to be met on-site. The delivery of affordable housing provision will be secured through a Section 106 Agreement. Triggers for the delivery of affordable housing will be included in the Section 106 Agreement to ensure their timely delivery. The Council will expect all affordable housing units to be ready for occupation prior to the occupation of 70% of the open market dwellings within a defined phase.
- 2.8 The provision of affordable housing will be rounded down to the nearest whole unit. For example, a scheme of 27 units would require 2.7 units to be affordable (10%), with this being rounded down to a requirement of two affordable units.
- 2.9 The provision should meet the housing need identified in the SHMA and / or any more recent evidence of need. The SHMA Update 2016 sets out affordable housing preferences across the Borough for existing households in need and newly-forming households by tenure. Overall, this gives a tenure split of 27.6% intermediate tenure and 72.4% social/affordable rented across the Borough. It would be appropriate to round this to a 30/70 split.
- 2.10 The introduction of the First Homes requirement means that a minimum of 25% of affordable units should be for First Homes. Paragraph 14 of the MHCLG First Homes guidance states that the social rent should be delivered in the same percentage as set out in local policy. The remaining affordable housing tenures should also be delivered in line with the proportions set out in local policy. Taking account that First Homes are the government's preferred discounted market tenure, it would be appropriate to require 30% First Homes. Subsequently, the required affordable housing tenure split is as follows:
- 30% Intermediate (First Homes)
  - 70% Affordable / Social Rented
- 2.11 For smaller sites it would be difficult to meet the 30/70 tenure e.g. A development of 20 houses would only require two affordable units. It is considered unreasonable to require a 50/50 split i.e. one "First Home" unit and one affordable/social rented unit. Therefore, development of 50 or more units would be required to meet the above tenure split and / or any more recent evidence of need. Development of less than 50 dwellings would require all affordable units to be affordable/social rented.
- 2.12 In terms of discounted provision, the Council is considering introducing a discounted sales scheme to manage the sale of Low Cost Home Ownership (LCHMO)



properties. Such a scheme would relate to new build housing schemes, plus the subsequent resale of a LCHO property. If such a scheme is implemented, guidance will be prepared that will be separate to this SPD.

### **Off-Site Provision**

- 2.13 Off-site provision will only be agreed where it can be robustly justified that there would be obvious benefits in providing the affordable housing on an alternative site. In such cases, the 10% requirement for affordable housing will be applied across both sites to ensure a pro-rata contribution.
- 2.14 The provision must meet the housing need identified in the SHMA and / or any more recent evidence of need. Completed affordable units on the alternative site would need to comply with the equivalent property type and tenure requirements had they been on the application site.
- 2.15 The preferred location for off-site provision is in the same settlement as the proposed development. The site should be identified by the applicant and either:
- Already have planning permission for housing. In such cases, the Council will need to be satisfied that the site can accommodate the off-site provision; or
  - Be acceptable to the Council for housing in principle. In this case, the site will need to be the subject of a concurrent planning application. The two planning permissions will be tied together by means of a Section 106 agreement.
- 2.16 In cases where the value of properties on the application site is considered to be significantly higher than on the alternative site, then an economic viability assessment should be undertaken. This could potentially lead to additional units and / or a commuted sum being required. See paragraphs 2.29 – 2.33 for information on viability assessment requirements.
- 2.17 Affordable units on any alternative site should be completed prior to the completion of development on the application site. If this is not possible, the Council would require a guarantee of an equivalent financial payment towards the delivery of affordable housing. This guarantee would be to an agreed timescale, in case the affordable scheme was not developed for any reason.

### **Financial Payments**

- 2.18 A financial payment would only be considered for one of the following scenarios:
- It had been agreed that the application site was not suitable for affordable housing, but no alternative site was immediately available. In such cases, a financial contribution would be required in lieu of on-site provision; or
  - The provision of affordable housing or off-site provision is robustly demonstrated to be unviable. In such cases, the applicant will be required to submit a viability

assessment to the Council. See paragraphs 2.29 – 2.33 for information on viability assessment requirements.

- 2.19 The Council would only agree to such an arrangement on condition that the Council had up to ten years to spend the payment on an alternative affordable housing provision. In the event of phased payments, this would apply from the date of the receipt of the final payment. The total payment would be equivalent to the cost of providing the affordable units on site.
- 2.20 There may be cases where the provision of affordable housing or off-site provision (completed units or financial contribution in lieu) is robustly demonstrated to be unviable. Where a viability appraisal is considered acceptable, a lesser financial contribution will be negotiated and secured. See paragraph 2.29 – 2.33 for information on viability assessment requirements.
- 2.21 Offsite payments would normally be paid at the commencement of work. However, phasing of payment may be considered where it would enable delivery of the overall development. In such cases, a payment schedule will be agreed with the Council and incorporated into the Section 106 agreement.

### **Calculating Financial Contributions**

- 2.22 The contribution will be based on the affordable housing provision as calculated in paragraph 2.25 and will be the difference between the value of 100% market housing on the site and the value of a policy compliant scheme.

### Transfer Values

- 2.23 It is proposed that the Council leaves it to the discretion of Registered Providers of affordable housing to make an offer on affordable housing units being developed as part of new housing schemes. The proposed transfer value must be based on an independent valuation carried out by a suitably qualified (RICS) local valuer, the cost of which should be met by the applicant. It is therefore important that developers discuss the transfer of housing to Registered Providers at early in the process as possible and preferably prior to the submission of a planning application. Where such matters are not resolved to the satisfaction of the Council within the set period for determining an application such proposals will be recommended for refusal unless an extension of time can be agreed.

### Calculating the Financial Contribution

- 2.24 Financial contributions will be calculated using the following method:

1. Calculate the Gross Development Value of the scheme with 100% market housing.

Example:

A development of 100 dwellings with the following Gross Development Value:

No. Beds	No. Units	OMV per unit	GDV per dwelling unit type
1 bed	10	£100,000	£1,000,000
2 bed	30	£130,000	£3,900,000
3 bed	60	£160,000	£9,600,000
	<b>100</b>		<b>£14,500,000</b>

2. Calculate the number of affordable units by dwelling type, i.e. 30% First Homes, 70% Affordable / Social Rented.

Example:

No. Beds	No. Units	Total Number of Affordable Units (10%)	Social Rented	First Homes
1 bed	10	1	1	0
2 bed	30	3	2	1
3 bed	60	6	4	2
	<b>100</b>	<b>10</b>	<b>7</b>	<b>3</b>

3. Calculate the development value of the affordable units.

Example:

For the proposed development, the proposed transfer value is based on an independent valuation carried out by a suitably qualified (RICS) local valuer. Both the social rented and First Homes are valued at 70% of OMV.

No. Beds	No. Units	Total Number of Affordable Units (10%)	Social Rented (70% OMV)	First Homes (70% OMV)
1 bed	10	1	£70,000	£0
2 bed	30	3	£182,000	£91,000
3 bed	60	6	£448,000	£224,000
	<b>100</b>	<b>10</b>	<b>£700,000</b>	<b>£315,000</b>

## 4. Calculate the development of a policy compliant scheme.

Example:

Market Homes (90%)

No. Beds	Market Units	Market Value
1 bed	9	£900,000
2 bed	27	£3,510,000
3 bed	54	£8,640,000
	<b>100</b>	<b>£13,050,000</b>

Affordable Homes (30%)

No. Beds	Total Number of Affordable Units (10%)	Social Rented (70% OMV)	First Homes (70% OMV)
1 bed	1	£70,000	£0
2 bed	3	£182,000	£91,000
3 bed	6	£448,000	£224,000
	<b>10</b>	<b>£700,000</b>	<b>£315,000</b>

GDV of Policy Compliant Scheme: £13,050,000 + £700,000 + £315,000 =  
**£14,065,000**

## 5. Calculate the Commuted Sum

Step 1 – Step 4 = **£1,450,000**

**How the Council will use Financial Contributions**

- 2.25 In circumstances where a financial contribution is secured and there is no suitable alternative site, contributions will be paid into a ring-fenced Housing Enabling Fund. This fund will be used to contribute to the overall affordable housing provision in the Borough through a range of projects. The focus will be to bring empty properties back into use. This would take place by means of a housing association who would

purchase empty properties and fund renovation works, before being rented to people in need of social housing.

- 2.26 Where the owner of an empty property does not want to sell, the housing association would help the owner to fund repair works. The housing association will lease the property from the owner and will rent it out at an affordable rate to people on the local authority's waiting list for a set number of years. The housing association will manage the property and the owner will receive rental income, minus management costs.
- 2.27 Funds may also be used for other projects that involves the provision of new affordable housing, such as: enabling specialist housing provision, such as supported housing; use in gap funding schemes; and improving tenure mix / affordability.

### **Viability Assessments**

- 2.28 Paragraphs 2.17 and 2.19 above set out when a viability assessment will be required to accompany a planning application. Where a viability assessment is submitted, this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.
- 2.29 The assessment should include details of the amount of affordable housing (%) that could be provided against a diminishing scale of profit levels, to the level of full affordable housing provision. The developer will send its viability assessment to the Council, robustly justifying why the required affordable housing or contribution (whichever is relevant) is not viable. The Council will consider whether the benefits of the proposed development would outweigh the disadvantages of a more limited planning obligation, or no planning obligation at all. The Council will in turn send the viability assessment to its chosen independent surveyor for financial appraisal. If the viability appraisal is considered to be unacceptable by its chosen independent surveyor, then the affordable housing or contribution (whichever is relevant) will be required to be provided, otherwise the planning application will be refused.
- 2.30 The viability assessment will need to include a full financial appraisal with a breakdown of development costs. This should include the following information:
1. The methodology used in the Viability Assessment.
  2. Anticipated sale prices or lease rents with evidence of values of similar schemes in the locality.
  3. Land purchase price/costs and anticipated profit / profit margins and minimum profit level assumptions.
  4. Cost of the land and associated fees including residual land value (RLV) and gross development value (GDV).
  5. Build costs (per sq m), of dwellings and infrastructure supported by independent quantity surveyor estimates.
  6. Full details of any abnormal building costs, for example, unusual ground conditions may mean that deeper and more expensive foundations are needed.

These should be accompanied with supporting reports and independent estimates which justify them design and project management fees.

7. The interest rate / lending costs plus programme and cash flow.
  8. Costs of geotechnical and environmental surveys with a summary of the findings.
  9. Interim development financial calculations with any details from of the loan facility from the provider.
  10. Details of the costs for the provision of local infrastructure / services, and other planning obligations /agreements.
  11. Costs for marketing and sales (including legal fees) as a % of the GDV.
  12. Costs for other professional fees.
  13. References to the sources of data used, including those used for evidence of local property market values. To include market evidence for both market and affordable housing and benchmark or refer to BCIS rates for build costs.
  14. The expected sales price for each dwelling proposed on the site.
  15. Details of whether the land is owned by the applicant or whether it is subject of an option or other arrangement.
  16. Whether any grant / other source of income will be available to augment the finance needed for the affordable units.
  17. Ground rents and service charges for flats if relevant.
  18. Anticipated price paid for the affordable dwellings by the registered provider.
  19. All viability assessments and reports will be published on our website in accordance with the requirements of paragraph 57 of the National Planning Policy Framework.
- 2.31 There is a separate fee payable, in addition to the standard planning fee, for applications requiring a viability assessment. The fee is to cover the Council's costs in appointing an independent professional to evaluate the assessment submitted. Price will be on a case-by-case basis.
- 2.32 Viability can be reassessed over the lifetime of the development, although the NPPG (Viability, para 009) states that this would be to "ensure policy compliance and optimal public benefits through economic cycles." It adds: "Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project."

## Design and Tenure

- 2.33 Affordable housing should be well designed to comply with Policy DS5 of the Barrow Borough Local Plan 2016-2031. Such provision must also be integrated with and not visually distinguishable from the rest of the development on the site.
- 2.34 The tenure mix should meet the needs identified in the Council's Strategic Housing Market Assessment, which currently identifies a social/affordable rented and intermediate provision ratio of 70:30 (rounded). If there is clear evidence that no Registered Provider is willing to take the affordable stock with that tenure mix then the Council would explore, alongside the developer and Registered Providers, the possibility of amending the tenure ratio or house types to ensure on-site delivery. Any proposed amendments to the tenure mix should reflect, as far as possible, the need identified in the most up to date Strategic Housing Market Assessment and / or any more recent evidence of need.

## Vacant Building Credit

- 2.35 The NPPF states that where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. The accompanying planning practice guidance states that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.
- 2.36 This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution for off-site provision is being provided.
- 2.37 The vacant building credit applies where the building still exists and its use has not been 'abandoned'.
- 2.38 The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities are advised to have regard to the intention of national policy.
- 2.39 In doing so, it may be appropriate for authorities to consider:
- Whether the building has been made vacant for the sole purposes of re-development.
  - Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

### **Pre-Application Planning Advice**

- 2.40 The Council offers a pre-application advice service. It is recommended that anyone intending to submit a planning application makes use of this service in order to rectify any issues or problems at an early stage. Further information on this service can be found on the Council's website at the following link  
<https://www.barrowbc.gov.uk/residents/planning/development-control/pre-application-advice/> .

### **Affordable Housing Statement**

- 2.41 Applicants will be required to provide an Affordable Housing Statement with any planning applications that need to provide affordable housing, in accordance with Policy H14 "Affordable Housing" of Barrow's Local Plan.
- 2.42 The Affordable Housing Statement should clearly set out the following:
1. How the proposed development complies with national and local affordable housing planning policies.
  2. The number of dwellings proposed, including the mix and percentage split of market and affordable units (e.g. market housing, affordable rent, intermediate / shared housing etc), along with justification for this provision.
  3. The estimated open market value for the affordable units, ideally provided by a local RICS qualified surveyor.
  4. A site layout plan showing the location and property types of the affordable units. Different affordable housing tenures should be made explicit on the plan.
  5. How the affordable units will be fully integrated within the development, so that the development is "tenure blind" as far as possible.
  6. The arrangements for ensuring that the properties remain affordable to successive occupiers.
  7. How the affordable housing units will be managed, including details of the preferred Housing Association partner involved in the development (where applicable).
  8. Details of affordable units, numbers of bedrooms and property types across all tenures to demonstrate a representative mix of unit types and size.
  9. Details of the affordable unit space standards and floor areas (sq m) for the development.
  10. Details of the type of affordable dwellings in the development (e.g. house, flat, studio, duplex, etc).



- 2.43 All of this information may not be available for Outline Planning Applications, particularly for points 2, 3 and 4 above. In the case of Outline applications, it is recommended that a headline summary of the likely provision should be included in relation to these points, with the final detail then provided with the Reserved Matters application. The Statement should confirm that a legal agreement will be entered into in order to comply with Policy H14 of Barrow Borough Local Plan. It should include details of any discussions with Registered Providers; you are advised to engage with Registered Providers at an early stage.
- 2.44 It may be appropriate, especially for larger schemes, to set the information out in the form of a schedule of accommodation. In some instances it may be helpful to include additional information, for example number of habitable rooms. An example table is set out below:

**Table 1: Schedule of Accommodation - Example**

<b>Unit</b>	<b>Type</b>	<b>Tenure</b>	<b>Total Bedrooms</b>	<b>GIA (sq m)</b>
1	House	Market	3	85
2	House	Affordable	2	67
3	Bungalow	Affordable	2	68
4	House	Market	3	87

- 2.45 It is expected that the applicant will have thoroughly tested the viability of their scheme to ensure that it can satisfactorily meet the required policy compliant levels of affordable housing, in accordance with paragraphs 2.29 – 2.32 above.

### 3.0 Highway Improvements

- 3.1 The impact of the development of the sites proposed in the Local Plan will result in a requirement to improve some highways and junctions to achieve safe access into the sites and to ensure that the highway network can accommodate development. Access arrangements would normally be negotiated with the developer at an early stage in the planning process. Where access to a proposed site is particularly difficult, or the highway is not able to accommodate the amount of traffic that would be generated by development, developer contributions may be required to support development.

#### Section 278 Agreements

- 3.2 The County Council normally requests Section 278 Agreements for works that are required to be carried out on or to a highway. These agreements can be either for the County Council to carry out the works at the developer's expense, or allow the developer to provide the works directly, subject to an approval and inspection process. A Section 278 Agreement is generally used in lieu of a Section 106 Agreement where the highway improvements to be delivered are associated with a single development, for example, where there are frontage works or a single junction upgrade is to be constructed as opposed to a larger scheme where multiple funding sources are required to be pooled to allow for construction by the County Council at some point in the future. The County Council's Cumbria Planning Obligations Policy contains further information regarding Section 278 Agreements
- 3.3 Section 278 Agreements are normally secured by a condition attached to a planning permission granted by the Borough Council. This will require the agreement of the design of the works by the Borough Council in consultation with the County Council, but also the signing of Section 278 Agreement setting out the funding arrangements directly between the County Council and developer. The condition will normally require the design of the works to be agreed and the Agreement signed before any of the development approved commences. In any event, works associated with any planning proposal will not be permitted by the County Council within the limits of the publicly maintained highway until the Agreement is completed and the bond (if applicable) is secured.

#### Section 106 Highways Contributions

- 3.4 Section 106 Agreements are preferable to enable pooling of contributions from multiple developments towards larger improvement schemes or for securing Travel Plans, walking and cycling infrastructure and bus infrastructure and services. The pooling of contributions enables the provision of infrastructure required to meet the cumulative impact of development where a single contribution would not fairly or reasonably be able to meet that cost.
- 3.5 The Infrastructure Delivery Plan (IDP) identifies additional infrastructure and services that are required to support the level of development proposed in the Barrow

Borough Local Plan. In terms of highway infrastructure, the IDP was informed by the Barrow Transport Improvement Study (TIS). The TIS identifies the impacts of future growth and identifies a range of sustainable transport improvements, including potential highways improvements at roads and junctions. The IDP summarises the key findings and recommendations of the TIS, and the two documents are intrinsically linked. New development will be required to contribute towards the delivery of the identified schemes in the IDP / Transport Improvement Study (and / or any more recent evidence of need).

- 3.6 The TIS was produced in three stages. More information on these is provided in the sections below. The Stage 1 and 2 Assessments informed the IDP and the Stage 3 Assessment was undertaken after the preparation and publication of the IDP and effectively provides supplementary and updated information.

### **Barrow Transport Improvement Study**

- 3.7 The three stages of the Barrow Transport Improvement Study comprise of:

- Stage 1 Assessment 2016 – Summary of the traffic modelling results
- Stage 2 Assessment 2016 – Identification of transport schemes
- Stage 3 Assessment 2020 – Detailed design of priority schemes

#### Stage 1 Assessment

- 3.8 The Stage 1 Assessment, undertaken by Cumbria County Council in 2016, sets out the results of the traffic model of the Barrow urban area and the surrounding district. The model has been used to assess the impact of the Local Plan development proposals on the highway network, and is a SATURN traffic model of the morning and evening weekday peak periods. The model outputs include traffic flows, queues, delays and the ratio of flow to capacity, which is a measure of congestion. The results show that the number of over-capacity junctions is forecast to increase in the future as a result of additional development.

#### Stage 2 Assessment

- 3.9 The modelling work was followed-up by a Stage 2 Assessment by WSP/Parsons Brinkerhoff (WSP/PB). Baseline sustainable travel infrastructure has been reviewed as part of this study with the aim of identifying potential location specific interventions. Having identified areas for potential improvement on the transport network, a range of sustainable infrastructure measures have been recommended with the target of further improving viable alternatives to car-based trips.
- 3.10 The report sets out the details of the improvement works for each of the junctions along with a cost estimate for each improvement. A breakdown of the costs is also set out in the report. Note that the design and costs are indicative and will be subject to change. The costs also do not take account of land take.

### **Transport Improvement Schemes – Stage 3 Design Improvement Report 2020**

- 3.11 Cumbria County Council identified two schemes for further appraisal, and this was set out in the Stage 3 Design Improvement Report, which was published in 2020. The two schemes, both in Barrow, are:
- Risedale Road
  - Ironworks Road gyratory.
- 3.12 Please refer to the Stage 3 Report for more information about these schemes, including more detailed layout designs and updated costings. Again, note that design and costs are indicative and will be subject to change.

### **Developer Contributions for Highway Improvements**

- 3.13 It is expected that the contributions requested will primarily support the delivery of highway improvements identified in the IDP / Barrow Transport Improvement Study 2016 (and / or any more recent evidence of need), in consultation with the Local Highway Authority. Contributions will only be sought where the tests of need are met, as set out in paragraph 53 NPPF or any document which replaces it. If the payment of contributions is robustly demonstrated to be unviable, a lesser financial contribution will be negotiated and secured.
- 3.14 Substantial weight will be applied to the IDP and Transport Improvement Study in determining where developer contributions will be sought. The information contained in the IDP and Transport Improvement Study is considered to be a strong basis to meet the statutory tests in paragraph 53 of the NPPF or any document which replaces it.
- 3.15 Contributions will take account of the person trip rate of the development. The person trip rate is based upon the number of cars expected per 100 m<sup>2</sup> gross floor area, and will be considered in consultation with Cumbria County Council using the TRICS database. Contributions will be secured on a site-by-site basis, taking account of the IDP and Transport Improvement Study (and / or any more recent evidence of need), in consultation with the Local Highway Authority.
- 3.16 The TRICS database utilises a large number of sample / example developments which vary considerably in mix of uses, scale and geographic location. It is important in using the TRICS database to use wholly comparable developments to that which is proposed. Developments in different regions, for example highly urbanised areas, can have significantly different trip characteristics to those which aren't. Similarly, a development with high accessibility to other sustainable modes of transport (walking, cycling and public transport) can have very different trips characteristics to those that don't. It should also be noted that TRICS may not include similar sites for all development types, and some bespoke or unique sites may need to take a different approach to trip generation.

- 3.17 Whilst the TRICS database is used in assessing trip generation and resultant impacts on infrastructure from developments, it is important that appropriate trip rates are established and agreed early in the planning application process. Where trip rates used to support the development proposal are calculated using TRICS, the sample selected within TRICS should be appropriate and in line with best-practice guidance developed by the TRICS Consortium. This would include taking into account development type, size, geographic location, nearby population, and sustainable and active travel accessibility.

## 4.0 Cycling and Walking Infrastructure

- 4.1 A large proportion of residents within Barrow live and work within the town and surrounding business parks and industrial estates. The compact nature of the town and small travel to work area creates ideal conditions for cycling and walking, with most trips to work occurring within the urban area to a small number of major employers. The greatest density of cycle networks is located in Barrow town centre, however there are notable gaps between Askam, Dalton and other residential areas away from Barrow town centre.
- 4.2 To support the delivery of the Barrow Borough Local Plan, a Barrow Transport Improvement Study: Stage 2 Assessment was produced in 2016. The Study proposes new cycle routes, connecting Local Plan sites throughout the Borough to existing routes and the town centres. This study was followed-up by a Stage 3 Assessment in 2020 which focussed on two of the identified routes, setting out indicative designs and costings.
- 4.3 More recently, Cumbria County Council has been working with the Borough Council and other partners to produce a Local Cycling and Walking Infrastructure Plan (LCWIP) for Barrow, and this will include a priority network for cycle and walking infrastructure improvements. The LCWIP will be delivered over several phases, and these are expected to be partly delivered by means of government funding (particularly the early Phases) and also through developer contributions where the identified walking and cycling infrastructure supports the development identified in the Barrow Borough Local Plan. Making effective provision to facilitate an increase in the levels of walking and cycling is fundamental to the success of the plan. Further details of both the LCWIP and the Barrow Transport Improvement Study are provided below.

### Local Cycling and Walking Infrastructure Plan (LCWIP)

- 4.4 Cumbria County Council and Barrow Borough Council are working together to deliver the shared ambition to increase cycling and walking in the Barrow area in line with the Government's 'Gear Change: A Bold Vision for Cycling and Walking' (July 2020) document. As part of this partnership working the County Council is facilitating a Local Cycling and Walking Infrastructure Plan (LCWIP) for Barrow. This will identify a

cycling and walking network, with the improvements identified making walking and cycling easier. The partnership recognises that there is significant potential in Barrow for more journeys to be made by walking and cycling if the right infrastructure is put in place.

4.5 Delivery of the Barrow LCWIP is planned in the following phases:

- Phase 1: Bridge Road and Michaelson Road (Funding secured through the Active Travel Fund). Delivery by Spring 2022.
- Phase 2: Abbey Road, Roose Road and Barrow Town Centre Improvements (£4m funding investment identified as part of Barrow Town Deal Cycling and Walking Project with a Business Case required to release the funding). Delivery is expected to begin in 2023.
- Phase 3: Delivery of other improvements identified as part of the Barrow Cycling and Walking Infrastructure Plan (Subject to securing funding).
- Phase 4: Delivery of leisure routes (Subject to securing funding).

### **Barrow Transport Improvement Study: Stage 2 Assessment**

4.6 The Barrow Transport Improvement Study: Stage 2 Assessment (2016) identifies new cycle routes to support the proposed housing and employment sites in the Barrow Borough Local Plan.

4.7 The Local Plan employment allocations are heavily concentrated to the North West of the town of Barrow. Whilst the sites in this area are currently served by a cycle route, they would benefit from wider connections to residential areas. The proposed housing allocations are not currently served by nearby cycle lanes. Cycle infrastructure would need to be delivered to provide a coherent link between the town centres and these sites. The Stage 2 Assessment recommends that this should be a requirement of planning permission for new housing sites, through Section 106 agreements.

4.8 To increase the mode share of cyclists in the Borough, the Study identifies a number of new potential cycle routes. The delivery of the new routes has been designed to provide cycle access between the proposed Local Plan sites and the town centres. They have also been designed to connect to the existing cycle network. The improvements are linked to new development sites and therefore are targeted at new trips, for which sustainable behaviours could be influenced at the outset. The new potential network provides completeness to many pre-existing gaps in the network and provides significant expansion to provide near complete connections between all major residential and employment sites in the Borough.

4.9 With the widespread locations of development allocations across the Borough, the Study proposes twelve cycle routes to increase the accessibility by cycling in the area.

### **Barrow Transport Improvement Study – Stage 3 Assessment**

- 4.10 The Stage 2 Assessment, summarised above, was followed by a Stage 3 Assessment which prioritised schemes at Roose Road and Leece Lane. Further details are set out in the Study. Improvements at Roose Road have also been included as part of the LCWIP's Cycle Priority Network, under Phase 2 of the LCWIP.

### **Developer Contributions for Cycling and Walking Improvements**

- 4.11 Contributions received will primarily support the delivery of cycling and walking infrastructure improvements in the Barrow Transport Improvement Study 2016 and / or any more recent evidence of need, in consultation with the Local Highway Authority. Contributions will only be sought where the tests of need are met, as set out in paragraph 53 NPPF or any document which replaces it.
- 4.12 The Barrow Transport Improvement Study recommends that the walking and cycling schemes identified within the Study should be primarily be secured through developer funding mechanisms such as through Section 106 or 278 Agreements. Such contributions will be negotiated on a site-by-site basis in liaison with the local highway authority. Development may also be expected to contribute to schemes identified in the LCWIP's Priority Cycle Network and Core Walking Zones. Account will be taken of cycle and walking infrastructure improvements that have already secured funding, such as through the Active Travel Fund or the Barrow Town Deal.

## **5.0 Public Transport**

- 5.1 Bus travel is a key contributor to economic growth, with many people relying on bus services to access shopping, leisure, work, education and training. Development in the Local Plan may generate a need for bus services to be rerouted or for new routes to be created to serve new development. Also, the frequency of services may also need to be increased where current services are close to capacity.

### **Barrow Transport Improvement Study: Stage 2 Assessment**

- 5.2 The bus stops are made up of shelters, particularly in the town centre with many stops outside of the town centre consisting of no more than a flag pole. Due to the simplicity of the stop, waiting for a bus – particularly in poor weather – is likely to be a key factor that discourages bus use across Barrow. New bus stops would also benefit of real time information which help the traveller to make an informed decision of how, and when to travel.
- 5.3 Bus routes in Barrow are typically radial and pass through the town centre. The list of services are as follows. A list of services is provided in the Infrastructure Delivery Plan, although it should be noted that these were services as assessed in the Transport Improvement Study in 2016 and have been subject to change since.

- 5.4 Working alongside the County Council Bus Services Officer, a gap analysis of the existing public transport provision and future development locations has been undertaken with new routes being identified for future consideration. The Stage 2 Assessment proposes that bus services in the area are extended to serve potential developments identified in the Local Plan. In particular, there appears to already be potential demand for a bus route to serve the industrial estates and business parks along Park Road, as currently there is no direct bus route that runs through this area other than a school bus. Service frequency would also expect to increase as buses begin to exceed capacity with greater demand.
- 5.5 As local sites come forward in the planning process, developers should seek to engage with local bus operators to identify the specific requirements of public transport provision to manage sustainable travel. It should be ensured that new development sites are within easy access of a bus stop.
- 5.6 In light of this, and to align with Local Plan development sites, the Stage 2 Assessment recommends that routes 1, 3 and 4 should be extended (or new routes created) to capture the demand from new and existing sites.
- 5.7 To include new bus stops it is anticipated that new stops near Local Plan sites could receive developer contributions. Many of the bus stops across Barrow will also be subject to an upgrade. It has been estimated that this would cost £6k-8k per bus stop (2016). An estimate of cost for a new bus service operating with a 20 minute frequency would expect to cost £240k per annum (2016), however, a diverted service would be anticipated to cost around half of this sum. It should be noted that these were services as assessed in the Transport Improvement Study in 2016 and have been subject to change since.
- 5.8 The frequency of service that is achievable will to some extent be dependent on how far a development site is from Barrow Town Centre and will vary across the Barrow Borough Council area. Notwithstanding, it remains broadly the case that in Barrow on a route where two buses are operating, the 20-minute frequency should be achievable during the day Monday to Saturday, with a minimum frequency of a bus every 30 minutes achievable for areas such as Dalton-in-Furness.
- 5.9 A detailed cost breakdown of potential proposed bus infrastructure relating to new bus stops and extensions of existing routes has not been prepared due to the detailed nature of these requirements usually developed during masterplanning or a planning application. It should be required that contributions from developers fund these sustainable bus measures.
- 5.10 The recommendations from the Stage 2 Assessment are as follows:
- Extensions of routes and increase of frequency to allow improved accessibility to current and Local Plan sites.
  - Enhancements to bus stop infrastructure in residential areas, where appropriate they should include upgrading flag poles to shelters and seating, raised curbs for wheelchair and pushchair access.



- Ensure all bus stops have printed timetables and to consider real time information, particularly for major routes, with sustainable funding sources.
  - Secured funding arrangements for ongoing maintenance of new bus infrastructure.
  - New Local Plan sites should be planned with the consideration to have a layout that accommodates easy access to bus stops.
  - Improved bus connectivity to Dalton Rail Station in addition to existing Route 6.
- 5.11 Contributions will be negotiated on a site-by-site basis in liaison with the local highway authority, based upon the Barrow Transport Improvement Study and / or any more recent evidence of need.

## 6.0 Travel Plans

- 6.1 A Travel Plan is a long-term management strategy for a development that seeks to deliver sustainable transport objectives through positive action. Development which generates a significant amount of movement will require the submission of a Travel Plan, to comply with Policy I5 of the Local Plan. By helping to reduce single occupant car use, Travel Plans can encourage effective use of current highway and transport networks, help support sustainable economic growth, encourage healthy lifestyles, promote social inclusion, manage travel demand, and assist in reducing the impacts of climate change.
- 6.2 Travel Plans will be secured via planning obligations to guarantee the provision of sustainable travel options that will result in social, economic and environmental benefits. The NPPF, paragraph 111, states that “all developments that will generate significant amounts of movement should be required to provide a Travel Plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”
- 6.3 Where the trip reductions proposed to be achieved through a Travel Plan are to be considered as the mitigation measure in order to make the development impact acceptable, Policy I5 of the Local Plan requires a developer contribution equal to the cost of providing the highway infrastructure improvements in the form of a bond.
- 6.4 In the event that the Travel Plan objectives are not being met, the bond monies will be used to provide the necessary infrastructure. In exceptional circumstances, should a developer be unwilling to commit to including an Action Plan within the Travel Plan, or the development proposals are at such a preliminary stage that it is unrealistic to draw up a list of measures, then it will be necessary to secure the outcome of the Travel Plan through a developer contribution.
- 6.5 In line with the Cumbria Planning Obligations Policy, the County Council will seek to secure the implementation of Travel Plans (and the achievement of the stated objectives) through Section 106 Agreements to encourage the effective use of current transport networks and promoting sustainable travel choices. This includes

meeting the targets agreed such as trip reductions in the Travel Plans over a consistent period of time, typically five years, in lieu of providing highway infrastructure improvements to mitigate the impacts of the development. A contribution will be required from a development alongside the Travel Plan to enable further mitigating measures to be implemented by the County Council should the identified targets not be achieved by an agreed date. Further information regarding Travel Plan requirements can be obtained from the County Council's Cumbria Planning Obligations Policy.

## 7.0 Schools

- 7.1 Education services in Barrow are managed by Cumbria County Council, which has a statutory responsibility for the provision of sufficient school places in the County. Pressure for additional school places can be created by an increase in birth rate, new housing developments, greater inward migration and parental choice. A new housing development can have an adverse impact on the educational infrastructure of its local community if local schools are close to capacity and unable to meet this demand.

### Education Responsibilities

- 7.2 Cumbria County Council, as required by Section 14 of the Education Act 1996, must ensure it has secured the provision of sufficient primary and secondary school places for its area. The provision of these places can be in Education Authority maintained schools or, with their support, academies.
- 7.3 In performing this role, the County Council must ensure it complies with the requirements of the 2006 Education and Inspections Act. This requires that local authorities promote choice and diversity in relation to the provision of school places. In practice, this means parents are able to express a preference for which school they wish their child to attend. Providing there are places available in that school, the admission authority is required to allocate a place.
- 7.4 Linked to these responsibilities, the County Council is required to provide home to school transport where the nearest school with a place available is more than two miles from a child's home where children are under eight, and a distance of three miles for children aged 8 and over, or where there is no safe walking route to school.

### Planning Policy

#### National Planning Policy Framework

- 7.5 Good quality and accessible education is an essential element in the creation of sustainable communities. This principle is reflected in the National Planning Policy Framework (NPPF), paragraph 95, which states:

*“It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education”.*

### Local Plan

- 7.6 Policy I1 of the Local Plan states that were development will create additional need for improvements or provision of services, contributions will be sought to ensure that the appropriate enhancements / improvements are made, including for education.
- 7.7 Policy HC15 supports proposals for the development or expansion of new educational facilities where they are well related to the catchment that they will serve. Proposals for the development of education facilities should be located within existing education sites where possible. Where there is a need for a new educational site, the location should be close to the intended catchment in order to minimise travel.

### Cumbria Planning Obligations Policy

- 7.8 Cumbria County Council has a Planning Obligation Policy which sets out a methodology and approach to assessing the effects of new development upon County Council infrastructure.

### **Assessing Yield and Capacity**

- 7.9 Each year the County Council provides to the Department for Education (DfE) an assessment of surplus capacity in each school it maintains. The latest, agreed ‘net capacity’ figure (based on standard formulae provided by DfE) would be the capacity figure used by the County Council to decide whether the pupil yield from housing development can be accommodated.
- 7.10 New housing development can place additional pressure on school places, either through inward migration from outside the County, or by redistributing the existing population into areas where the schools are full to capacity. When considering whether there is sufficient capacity in schools in the area of any new housing, the anticipated number of school aged children that the development will give rise to must be assessed. This assessment of the “pupil yield” of development has been undertaken using a “population-led” model.
- 7.11 The population-led model uses Census data to calculate the average number of school aged children living in each household in Cumbria. This average figure is then multiplied by the total number of houses in a new development to provide a pupil yield figure. When the County Council considers detailed planning applications, a more refined, “dwelling-led” model is used. This utilises census information to derive a pupil yield based on the size of homes proposed in a scheme. These approaches are established within the Cumbria County Council Planning Obligations Policy, which ensures the effects of development are considered in the most consistent and balanced manner across the County.

Outline Housing Planning Applications

- 7.12 In the case of outline planning applications where there is no indication of the likely dwelling mix, the County Council will provide an estimate of pupil yield based on a population-led model. An example of the population led model, using the Cumbria Planning Obligations Policy, is reproduced below:

**Fig 9: Calculation of pupil yield using a dwelling led model**

<p>Number of households in Cumbria – 209,027</p> <p>Number of children aged 4-15 living in households in Cumbria = 72,149</p> <p>Number of children per household (72,149/209,027) = 0.345</p> <p>Outline application for 50 units:</p> <p>Pupil Yield (50 units x 0.345 children per unit) = 17.25</p> <p>Primary Yield [(17.25 x 7 primary year groups)/12 total year groups] = 10.06</p> <p>Secondary Yield [(17.25 x 5 secondary year groups)/12 total year groups] = 7.19</p> <p>Pupil yield figures will be generally rounded up or down to the nearest whole pupil number.</p>
---

Full Housing Planning Applications

- 7.13 The dwelling-led model is used for full housing planning applications and for outline applications where there is an indication of the likely dwelling mix. An example of the dwelling led model, using the Cumbria Planning Obligations Policy, is reproduced below:

**Fig 10: Calculation of pupil yield using a dwelling led model**

<p>50 Dwellings:</p> <ul style="list-style-type: none"> <li>• 10 2-bed houses</li> <li>• 30 3-bed houses</li> <li>• 10 4-bed houses</li> </ul> <p>Pupil yield:</p> <ul style="list-style-type: none"> <li>• 10 2-bed houses x 12.9% = 1.29 school age children</li> <li>• 30 3-bed houses x 39.9% = 11.97 school age children</li> </ul>
--

- 10 4-bed houses x 50.2% = 5.02 school age children

Total Pupil Yield = 18.28 school age children

Primary Yield = 18.28/12 (total year groups) x 7 primary year groups = 10.66 children

Secondary Yield = 18.28/12 (total year groups) x 5 secondary year groups = 7.62 children

Pupil yield figures will be generally rounded up or down to the nearest whole pupil number.

### Assessing the Capacity of Local Schools

- 7.14 Together with an assessment of the projected pupil yield associated with a development, in considering whether or not a contribution would be required regard needs to be had to the capacity of local schools.
- 7.15 The County Council provides to DfE each year an assessment of surplus capacity in each school it maintains. That assessment includes the latest, agreed 'net capacity' figure, based on standard formulae provided by DfE. This will be the capacity figure used to decide whether the pupil yield from housing development can be accommodated, taking into account any changes in capacity since the previous measurement was undertaken.
- 7.16 The net capacity of the catchment area school, the average projected pupil numbers (informed by data collected annually from General Practitioner Register showing all children aged 6 and under living in any given school catchment area) and the identified pupil yield of a development will all be considered to determine how many places, if any, will be available and therefore, whether or not a developer contribution would be required. To give a fuller understanding when considering the projected pupil numbers, the County Council will have regard to the school roll across the coming years (for which data is available).

### **Providing Additional Capacity at Existing Schools**

- 7.17 Where housing developments or the cumulative impact of a number of housing developments in an area give rise to the need for extensions, refurbishment and/or remodelling to provide additional capacity (including nursery capacity, as appropriate) at existing schools. The County Council will look to the landowner/developer or a consortium of landowners/developers to fund the full cost of providing the additional capacity at existing schools at the appropriate time, including the cost of acquiring additional land if necessary.
- 7.18 Where developers/landowner(s) are required to fund the cost of additional capacity at existing schools, the County Council will, as a general rule, require the full actual or estimated cost of the specific additional capacity to be used to determine the contribution. This would be subject to appropriate indexation to reflect the cost at the time the additional capacity is built.

- 7.19 It may not always be practicable or desirable to utilise development contributions to provide additional capacity at the school closest to the development. For example, the school site nearest to development may be fully developed, or the expansion of the school may result in an overdevelopment/loss of essential school facilities. In these cases contributions would be sought towards the cost of providing additional capacity through extensions, refurbishment and/or remodelling of existing schools where the need would be best met. The use of contributions would be monitored by the County Council.
- 7.20 Where a school is in a rural location and additional capacity is required but cannot be provided at the school due to site or other constraints, a contribution may be sought towards the provision of school transport and additional capacity at another nearby school which has capacity or may be expanded to provide such capacity. This is to ensure sites are sustainable. As part of this process consideration would be given to the nearest available school and to where children travel to already. The calculation of school transport will be based on that set out in the Highway's and Transport Section of this document. This is not the desired approach however, and should not be considered as appropriate mitigation in every circumstance and should be viewed as a last option.

### Calculating Developer Contributions

- 7.21 Where additional school capacity is to be funded by the landowner/developer, if practical to identify costs, the County Council will seek that the developer/landowner to fund the full actual cost of new provision or a detailed estimate.
- 7.22 Where it is not practical for such information to be derived (e.g. in the case of some outline or smaller scale proposals or in the absence of detailed assessment of what works can be done at a school), the County Council will use Department for Education (DfE) construction cost multipliers (as amended/available/appropriately updated) to determine the cost of providing additional school places and thus the level of contribution to be provided. These multipliers are linked to location factors, which adjust the base multiplier to reflect the differing costs of building nationwide.
- 7.23 In these occasions, the cost of the additional school places will be calculated as follows:

<p>Pupil Yield</p> <p>x</p> <p>DfE primary and/or secondary cost multiplier at the time the additional places are calculated</p>
--

- 7.24 The multipliers exclude ICT equipment, site abnormalities, site acquisition, VAT and other associated costs. Where appropriate these costs will be sought in addition to the multiplier applied.

### Cumulative Development

- 7.25 For cumulative, separate proposed developments that impact on school places and that are to come forward in conjunction, contributions will be sought that are proportionate to the cost of additional facilities and the expected pupil yield from each individual development, as follows.

Development A – Pupil Yield = 25 primary-age pupils

Development B – Pupil Yield = 50 primary-age pupils

Development C – Pupil Yield = 100 primary-age pupils

Total Pupil Yield = 175 primary-age pupils

1. Existing local primary school(s) assessed as requiring an additional 90 places to accommodate all pupils arising from the three developments.

Where actual costs or a cost plan is available the cost multiplier will be determined by dividing the actual cost of funding additional capacity by the number of additional spaces required.

Alternatively, in the absence of such actual cost information, the DfE multiplier may be utilised:

- Developer A Contribution: (DfE multiplier x 90 places) x (25/175) = £A
- Developer B Contribution: (DfE multiplier x 90 places) x (50/175) = £B
- Developer C Contribution: (DfE multiplier x 90 places) x (100/175) = £C

2. New 1-form-entry (210 place) primary school required; estimated cost, £Y:

- Developer A Contribution: £Y x (25/175) = £A
- Developer B Contribution: £Y x (50/175) = £B
- Developer C Contribution: £Y x (100/175) = £C

## 8.0 Children's Play Areas

- 8.1 Policy HC10 of the Barrow Borough Local Plan states that where deemed appropriate through lack of provision or other limiting factor such as access, proposals for residential development will be required to provide well designed and located children's play space. Further detail on the delivery of children's play space is provided below.

- 8.2 A number of housing allocations in the Local Plan are located on the edge of settlements. This may mean that they are located at a significant distance from existing children's play areas within the urban areas. New development may also place additional demand on existing play areas.
- 8.3 Fields in Trust is the operating name of the National Playing Fields Association (NPFA) and offers guidance for practitioners on open space provision. 'Guidance for Outdoor Sport and Play' (2015), published by Fields in Trust, recommends Benchmark Standards as a tool for assisting in the development of local standards. The standards for play areas are set out in the tables below:

**Table 2: Accessibility Standards for Children's Playing Space**  
 (Planning and Design for Outdoor Sport and Play, Field in Trust, 2015)

Type of Space	Walking Distance (metres from dwellings)
Local areas for playing and informal recreation (LAP)	100
Local equipped areas for playing and informal (LEAPs)	400
Neighbourhood equipped areas for play (NEAP)	1000

- 8.4 At this stage it is recommended that the Planning and Design for Outdoor Sport and Play guidance should be used as a basis for requiring provision. Specifically, it is considered appropriate to primarily base the need for new play space on the distance of new development to existing play space, rather than quantity (ha per 1,000 population) guidelines, taking account of the criteria set out in Tables 2 and 4. New development should also provide children's playing space in accord with Table 3.
- 8.5 A judgement should be made as to whether existing play space within the thresholds set out in Table 4 is of good quality at the time a planning application is being determined. For example, there may be play space within the thresholds that is very small or has a very limited amount of play equipment. Is this play space suitable to serve an additional new housing development? Each case will be judged on an individual basis until a detailed open space assessment is undertaken by the local planning authority.
- 8.6 The table below sets out the recommended application of quantity benchmark guidelines, as recommended by Fields in Trust:



**Table 3: Quantity Benchmark Guidelines**  
 (Guidance for Outdoor Sport and Play, Field in Trust, 2015)

Scale of Development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Multi-Use Games Area (MUGA)
5-10 dwellings	✓			
11-200 dwellings	✓	✓	Contribution	Contribution
201-500 dwellings	✓	✓		✓
501+ dwellings	✓	✓	✓	✓

8.7 Recommended minimum sizes for children's play space is set out in the table below:

**Table 4: Recommended Minimum Sizes – Formal Outdoor Space**  
 (Guidance for Outdoor Sport and Play, Field in Trust, 2015)

Type of Space	Minimum Sizes	Minimum Dimensions	Buffer Zones
Local areas for playing and informal recreation (LAP)	0.01ha	10 x 10 metres	5m minimum separation between activity zone and the nearest dwelling
Local equipped areas for playing and informal (LEAPs)	0.04ha	20 x 20 metres	20m minimum separation between activity zone and the habitable room façade of dwellings
Neighbourhood equipped areas for play (NEAP)	0.1ha	31.6 x 31.6 metres	30m minimum separation between activity zone and the boundary of the nearest dwelling
Multi-Use Games Area (MUGA)	0.1 ha	40 x 20 metres	30m minimum separation between activity zone and the boundary of the nearest dwelling

8.8 Account should be taken of the following quality guidelines when planning for formal outdoor space:

- Quality appropriate to the intended level of performance, designed to appropriate technical standards.
- Located where they are of most value to the community to be served.
- Sufficiently diverse recreational use for the whole community.

- Appropriately landscaped.
- Maintained safely and to the highest possible condition with available finance.
- Positively managed taking account of the need for repair and replacement over time as necessary.
- Provision of appropriate ancillary facilities and equipment.
- Provision of footpaths.
- Designed so as to be free of the fear of harm or crime.

8.9 Developers will be expected to provide a commuted sum for a minimum of five years maintenance, or contributions for off-site provision within a suitable and safe walking distance, in accord with Policy HC10 of the Local Plan.

## 9.0 Biodiversity Net Gain

9.1 Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures.

9.2 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by providing net gains for biodiversity. Policy N3 of the Barrow Local Plan 2016-2030 states that development proposals should minimise impacts on biodiversity and provide net gains in biodiversity where possible. The Council's Biodiversity SPD also supports the delivery of Net Gain, stating that opportunities which provide a net gain in biodiversity should always be sought.

9.3 Mandatory biodiversity net gain as set out in the Environment Act applies in England by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. The Act sets out the following key components to mandatory biodiversity net gain:

- Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan
- Habitat secured for at least 30 years via obligations/ conservation covenant
- Habitat can be delivered on-site, off-site or via statutory biodiversity credits
- There will be a national register for net gain delivery sites
- The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss
- Will also apply to Nationally Significant Infrastructure Projects
- Does not apply to marine development
- Does not change existing legal environmental and wildlife protections.

9.4 A new Biodiversity Metric 3 was launched in July 2021. The Biodiversity Metric is designed to provide ecologists, developers, planners and other interested parties with a means of assessing changes in biodiversity value (losses or gains) brought

about by development or changes in land management. The metric is a habitat-based approach to determining a biodiversity value.

- 9.5 Although development sites will be considered on a case-by-case basis, the expectation is that net gain is provided on-site. Where it has been demonstrated that it is not possible to achieve a 10% Net Gain for biodiversity on-site, there will need to be consideration of off-site measures. There may be instances where it would be appropriate for off-site financial contributions to be provided based on the Biodiversity Units required to deliver the Net Gain. Further local guidance on the delivery of Biodiversity Net Gain will be provided in due course. Such guidance will also help to ensure that Gain is undertaken to a high standard and that habitats are created or enhanced to achieve Net Gain are managed, maintained, and monitored for the long-term.

## 10.0 Green Infrastructure

- 10.1 In accord with policies GI1 to GI9 of the Barrow Borough Local Plan 2016-2031, new development is required to incorporate green infrastructure as an intrinsic part of the design of new development. Further guidance will be provided in a Green Infrastructure SPD. Contributions may be required for the ongoing maintenance of green infrastructure on a development site.
- 10.2 Contributions may also be required for the maintenance of nearby public open space, including provision / repair of fencing, pathway maintenance and the provision of signage. Contributions will be negotiated on a site-by-site basis in liaison with the Property Services department of the Local Authority.

## 11.0 Healthcare

- 11.1 In accord with Policy I1 of the Barrow Borough Local Plan, new developments may be required to provide contributions towards community infrastructure, which includes health facilities. The paragraphs below are based upon the Morecambe Bay Clinical Commissioning Group's (CCG) Section 106 Monies & Community Infrastructure Levy Funding Policy for Health Facilities. This sets out how the CCG calculates the contributions which they expect from new housing development, to ensure health infrastructure needs are taken into account when planning applications for new housing development are received. It also highlights the importance of the CCG engaging with Local Planning Authorities during this process.
- 11.2 Contributions will only be sought where the tests of need are met, as set out in paragraph 53 NPPF or any document which replaces it.

**Morecambe Bay Clinical Commissioning Group**

- 11.3 The Morecambe Bay Clinical Commissioning Group (CCG) is a statutory consultee whose views will be a material consideration in the decision-making process. The CCG will work with the local planning authority to secure contributions and ensure their expenditure in accordance with Section 106 agreements, as set out in the CCG's Section 106 Policy mentioned above.
- 11.4 Healthcare contributions will allow the following improvements to health facilities:
- The reconfiguration or expansion of health premises to provide additional facilities and services to meet increased patient or user numbers;
  - New health premises or services at the local level to provide additional facilities and services to meet increased patient or user numbers;
  - Any new facility required to compensate for the loss of a health facility caused by the development.
- 11.5 Prior to 2013, the processes for allocating Section 106 health funding was via the Primary Care Trust (PCT). The PCT was responsible for maintaining an Estates Strategy and managing any health allocation as a contribution to delivering against that strategy. The process for securing healthcare contributions was based on a simple formula applied to the number of dwellings proposed in each planning application.
- 11.6 In April 2013, PCTs were disbanded and Clinical Commissioning Groups (CCG) were established. NHS England North was made accountable for primary care whilst the CCGs retained responsibility for acute and community care. NHS Property Services (NHSPS) took over all PCTs and Strategic Health authorities estates interests. Where PCT properties were classed as "critical clinical infrastructure" and a Foundation Trust or another NHS provider was the majority occupier, ownership was offered to those NHS bodies initially rather than NHSPS.

**Impact of New Development on Health Services**

- 11.7 When assessing the impact of new development on healthcare infrastructure, the CCG will undertake a criteria-based assessment for each development proposal. This will be assessed by the Primary Care Committee before being submitted to the NHS Governing Body with a recommendation prior to any submission to the local planning authority.
- 11.8 There will be no distinction between the types of residential provision attracting a contribution. Residential park homes, affordable housing schemes, projects for specialist accommodation for the elderly, extra care homes and assisted living will be subject to obligations. Such forms of housing generate a high percentage of dependent patients reliant upon NHS Services and places high demands on local clinical services where infrastructure needs to respond to such pressures.

### Worked Example

- 11.9 The example below has been reproduced from Section 106 Monies and Community Infrastructure Levy Funding Policy for Health Facilities, produced by the Morecambe Bay Clinical Commissioning Group. The example is based on a residential scheme in Lancashire, for up to 480 dwellings. For the purpose of this SPD, the location of the proposed development will be called “Town A.”
- 11.10 The development is based on the average household size in the UK (ONS 2017) of 2.4 per dwelling, which would result in an increased patient population of approx. 980.
- 11.11 The calculation below shows the likely impact of the new population in terms of number of additional consultations per year. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

**Table 5: Consulting room requirements**

Proposed population	980
Access rate	5260 per 1000 patients
Anticipated annual contacts	$0.980 \times 5260 = 5154.80$
Assume 100% patient use of room	5154.80
Assume surgery open 50 weeks per year	$5154.80/50 = 103.09$
Appointment duration	15 mins
Patient appointment time per week	$103.09 \times 15/60 = 25.77$ hrs per week

**Table 6: Treatment room requirements**

Proposed population	980
Access rate	5260 x1000 patients
Anticipated annual contacts	$0.980 \times 5260 = 5154.80$
Assume 20% patient use of room	$5154.80 \times 20\% = 1030.96$
Assume surgery open 50 weeks per year	$1030.96/50 = 20.61$
Appointment duration	20 mins

Patient appointment time per week	$20.61 \times 20 / 60 = 6.87$ hrs per week
-----------------------------------	--

- 11.12 New residents in the area are likely to register with the GP practice within “Town A.” The “Town A” practice is at full capacity, with any current limited plans to expand surgery facilities focusing on meeting existing deficiencies. An assessment has been undertaken, of the GP surgery based on issues relating to standards, capacity and workload which would impact on the practices ability to manage increased numbers of patients. This has resulted in a rating of Red for the practice.
- 11.13 The practice would be seeking to expand their facility accordingly through internal alterations.
- 11.14 The building costs have been established using the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors (RICS) costs for healthcare premises depending upon the type of project undertaken. For the “Town A” practice to expand to meet their share of the population increase the total cost has been identified below.

Additional patients to be accommodated – <b>980</b>
X
Standard area m2/person based on total typical list size of approx. 6000 – <b>0.11</b>
X
Cost of build including fees £/m2 – <b>£1,902</b>
 Total cost $980 \times 0.11 \times £1902 = \mathbf{£205,035.60}$

- 11.15 The building costs have been established using the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors (RICS) costs for healthcare premises depending upon the type of project undertaken. The costs are set out below:

**Table 7: Building Costs**

Project Types	Gross Internal Floor Area (m <sup>2</sup> )		
	<500	500 – 1500	>1500
	£/m <sup>2</sup>	£/m <sup>2</sup>	£/m <sup>2</sup>

Project Types	Gross Internal Floor Area (m <sup>2</sup> )		
	<500	500 – 1500	>1500
	£/m <sup>2</sup>	£/m <sup>2</sup>	£/m <sup>2</sup>
New Build excl land	£2,250.00	£2,064.00	£2,094.00
New Build incl land	£3,150.00	£2,964.00	£2,994.00
Extension (Clinical excl treatment rooms)	£1,782.00	N/A	N/A
Extension (Clinical incl treatment rooms)	£1,902.00	N/A	N/A
Extension (Admin areas only)	£1,662.00	N/A	N/A
Alterations (excludes replacement furniture)	£1,002.00	N/A	N/A
Alterations including replacement furniture	£1,044.00	N/A	N/A

- 11.16 In order to release the healthcare contribution (to the CCG) for each Section 106 agreement the CCG will need to submit to the Developer a proposal detailing the works to be undertaken with costs and timescales for implementation and incorporation into the planning obligation.
- 11.17 To enable submission to the CCG, the CCG will request completion of a Section 106 proposal template by the relevant practice(s). Where one or more practices may receive funding from a specific Section 106 agreement the CCG will manage an open and transparent process through discussion with the practices to agree the projects to be supported through the available healthcare contribution. This will not usually involve 'bidding' for a share of the funding. There may be circumstances such as on large new strategic development sites where the development of a new practice or other models of care may be more appropriate. When such circumstances exist, the CCG will conduct a thorough and transparent procurement process to work with new providers for the delivery of such a scenario.

## 12.0 Section 106 Monitoring Fees

- 12.1 There is a need to use resources to monitor Section 106 (s106) legal agreements in order to ensure that monies are spent on the delivery of the necessary infrastructure. The NPPG (Planning Obligations, paragraph 36) states: "Authorities can charge a monitoring fee through section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 obligation. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime

of that obligation.” Local authorities are also required to report on such obligations at least annually through an Infrastructure Funding Statement.

12.2 Larger scale developments tend to have a greater number and complexity of obligations within an agreement, therefore a set of fees based on a scale of development is considered to be appropriate. The starting point is based on a planning officer spending eight hours per planning obligation, with a percentage increase as the scale of the development increases.

12.3 The following monitoring fees apply:

	<b>1 - 10 dwellings or up to 1 ha of land</b>	<b>11 – 50 dwellings or up to 3 ha of land</b>	<b>51+ dwellings or more than 3 ha of land</b>
<b>% increase</b>	0	40%	80%
<b>Monitoring fee per agreement</b>	£150	£210	£270

12.4 There are two aspects to monitoring Section 106 legal agreements:

- Financial monitoring and management of the monies associated with receiving developer contributions towards local infrastructure and mitigation measures; and
- Physical monitoring of compliance with the terms of the agreement, e.g regarding buildings and infrastructure.

12.5 This monitoring includes:

- Updating and maintaining a planning obligations database;
- Ensuring that all the financial and non-financial obligations in agreements are met;
- Keeping track of site/application progress and dependent S106 triggers;
- Providing calculations of financial contributions, sending invoices and receiving payments;
- Ensuring financial contributions are used for specific purpose outlines in the obligation;
- Keeping and maintaining transparent accounting procedures;
- Providing regular updates for Members, Committees and the wider community
- On-site open space, green infrastructure and bio-diversity quality inspections
- Affordable housing triggers – ensure meeting correct specifications and location.

12.6 The fees set out in the table above are indicative and will be subject to change, in accord with planning officer salaries and the amount of time expected to undertake the required monitoring. Some planning obligations will require monitoring over an extended time period, such as those relating to biodiversity net gain. In such cases



there will be additional fees to enable the local planning authority to recover its costs for the additional monitoring, as set out in the respective Section 106 agreement. Costs will be based on the hourly salary of the planning officer undertaking the monitoring and the expected number of hours that will be required for monitoring.

- 12.4 Monitoring fees for Section 106 agreements should be secured by way of a contractual covenant in the Section 106 agreement itself. Payment shall be made in full at the time of the completion of the Section 106 agreement. A summary of the fees will be published in the Infrastructure Funding Statement.

#### **Unilateral Undertakings monitoring fees**

- 12.5 Where an applicant submits a unilateral undertaking, there is an administration and monitoring fee of £200.

#### **Other Monitoring Fees**

- 12.6 It should be noted that this SPD relates to monitoring fees that may be sought by Barrow Borough Council. Other authorities, such as Cumbria County Council, may separately seek to charge a monitoring fee.

### **13.0 Reporting on Developer Contributions**

- 13.1 Local authorities are required to produce an Infrastructure Funding Statement each year which summarises the developer contributions obtained, allocated and spent by the Council. This is a new annual reporting requirement that was introduced as part of the recently amended CIL regulations in 2019 (CIL Regulations: Schedule 2).
- 13.2 The first Statement summarises the contributions agreed, received and spent during the period 1st April 2019 to 31st March 2020 for Barrow Borough. It contains information on Section 106 Agreements only. Section 278 Agreements are not considered in this document. Further Statements will be produced in subsequent years. All Statements published to date can be found on the Barrow Borough Council website.

**Development Services**

Barrow Borough Council  
Town Hall  
Duke Street  
Barrow-in-Furness  
Cumbria  
LA14 2LD

**Website:** [www.barrowbc.gov.uk/residents/planning/](http://www.barrowbc.gov.uk/residents/planning/)



Working together to support sustainable development within the Borough of Barrow-in-Furness



# Consultation Statement

## May 2022

### Affordable Housing and Developer Contributions Supplementary Planning Document

Working together to support sustainable development within the Borough of Barrow-in-Furness



- 1.0 Barrow Borough Council has consulted on the draft Affordable Housing and Developer Contributions Supplementary Planning Document (SPD). The consultation was for six weeks from Tuesday 14th December 2021 to Tuesday 25th January 2022. The draft SPD has been prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012. This document summarises who was consulted during the consultation, the main issues raised, and how the Council has addressed these issues in the SPD.
- 2.0 The consultation was for six weeks from Tuesday 14th December 2021 to Tuesday 25th January 2022. The SPD was available to view on the Council's website and in hard copy at The Forum, Barrow, Dalton Town Hall and libraries in the Borough during their normal opening times.
- 2.0 A list of consultees can be found in the appendix. Responses to the consultation were received from the following bodies:
  - CITB
  - Cumbria County Council
  - Department for Education
  - Environment Agency
  - Historic England
  - Homes England
  - Natural England
- 3.0 A response was also received from a local resident who stated that affordable homes on brownfield sites are needed rather than more executive homes on green fields.
- 4.0 The Environment Agency, Homes England and Natural England stated that they do not have any comments on the draft SPD. The comments from the remaining bodies are summarised the table below, along with the Council's response to the comments.



<b>General Comments</b>		
<b>Consultee</b>	<b>Summary of Comments</b>	<b>Council Response</b>
CITB	Having employment and skills included in this SPD (or as a specific SPD) would allow the construction industry locally to create more employment opportunities to better serve the pipeline of projects in the Borough of Barrow and surrounding area, generating economic benefit that stays within the borough. It also provides Barrow people with the opportunity to find employment and training locally, rather than having to travel elsewhere to find work.	Comments noted, however it is considered that employment and skills is beyond the remit of this draft SPD. Nevertheless, the Council will consider the possibility of a separate SPD on this matter.
Cumbria County Council	<p>Consideration needs to be given to including a section about how viability will be considered relative to overall provision of infrastructure and services and how decisions will be made about what infrastructure contributions take priority over others.</p> <p>Consideration should be given to clarifying whether Barrow Borough Council will expect an 'open book' independent development appraisal to be undertaken to support any request for reduced contributions. Additionally, clarity should be provided about whether the County Council would be involved in jointly reviewing the appraisal and consideration of the infrastructure priorities.</p> <p>The County Council would wish to see that appropriate weighting / prioritisation is given to the infrastructure and services it is responsible for when considering viability relative to other infrastructure contributions that are being requested.</p>	A new "Viability" section has been added to the SPD, in accord with the County Council's comments and the Cumbria Planning Obligations Policy, in order to provide greater clarity on how the Council will consider viability. See new paragraphs 1.15 – 1.18 of the updated SPD.
Historic England	Local plan policy I1 in the adopted Barrow Borough Local Plan 2016-2031 provides for the historic environment as being a type of infrastructure that development may be required to provide contributions towards. It is noted that the intention of the SPD is not to set out all circumstances where infrastructure contributions will be sought. Therefore the absence of the historic environment from the document is	Comments noted.

	accepted as it does not preclude contributions being sought on occasion where necessary.	
<b>1.0 Introduction</b>		
<b>Consultee</b>	<b>Summary of Comments</b>	<b>Council Response</b>
Cumbria County Council	Include in the Introduction a statement recognising that other authorities and bodies that are responsible to the delivery of infrastructure and services will have policies that are relevant to assessing developments and requesting developer contributions. For example, the County Council will have regard to the Cumbria Planning Obligation Policy.	A statement has been added to the SPD that recognises the policies of other authorities, in accord with the County Council's comments. See paragraph new paragraph 1.7 of the updated SPD.
Cumbria County Council	Further explanation should be included in the SPD about how the IDP will be applied relative to the TIS, noting that the IDP in large part 'calls up' / links to the TIS in setting out the infrastructure required to support / mitigate the impact of development to be delivered through the Local Plan.	The SPD has been updated to clarify the roles of the IDP and the TIS, in accord with the County Council's comments. See new paragraphs 3.5 and 3.6 of the updated SPD.
Cumbria County Council	Consideration should be given to including a statement that substantial weight will be applied to the IDP / TIS in determining where developer contributions will be sought and that the use of the information contained in the TIS / IDP is considered to be a strong basis to meet the statutory tests.	A new paragraph has been added to clarify the roles of the IDP and TIS. See new paragraph 3.14 of the updated SPD.
Cumbria County Council	In paragraph 1.9 it is suggested that the reference to the "Local Cycle and Walking Infrastructure Strategy" should be changed to "Local Cycle and Walking Infrastructure Plan (LCWIP)" to ensure consistency of terminology within the SPD.	Amendment has been made in accord with this comment (now paragraph 10).
Cumbria County Council	In paragraph 1.13, consideration should be given to including clarification that for larger developments, where staged payments are made as the development progresses, that the timeframe for spending the contribution may be calculated from the date of the last scheduled payment. It is suggested that a timeframe is set for expenditure / refund of contributions	Paragraph has been amended to provide clarity regarding timescales for spending contributions, in accord with the County Council's comments (now paragraph 1.14).

	in the SPD for larger improvement schemes that will be delivered over time (preferably 10 years).	
<b>3.0 Highways</b>		
<b>Consultee</b>	<b>Summary of Comments</b>	<b>Council Response</b>
Cumbria County Council	Earlier comments reiterated regarding the weight that will be applied to the IDP / TIS in determining where developer contributions will be sought.	A new paragraph has been added to clarify the roles of the IDP and TIS. See new paragraph 3.14 of the updated SPD.
Cumbria County Council	Suggest that further clarifying text is provided to clarify the use of Section 278 Agreements. Suggested wording is provided by the County Council.	Paragraph 3.2 is amended in line with the suggested wording from the County Council. See paragraph 3.2 of the updated SPD.
Cumbria County Council	It is suggested that the draft SPD is expanded to provide further commentary about when Section 106 Agreements are preferred to secure highways contributions.	A new paragraph has been added to provide further commentary on the use of Section 106 Agreements, in accord with the comments from the County Council. See new paragraph 3.4 of the updated SPD.
Cumbria County Council	Suggest that Paragraph 3.4 should include a reference to public transport.	This paragraph has been reworked in line with earlier comments, and therefore no longer includes reference to infrastructure types.
Cumbria County Council	It is unclear where the 10 dwelling and 100m2 additional gross floor area thresholds in paragraph 3.12 have come from and how they have been determined. The thresholds are not consistent with any thresholds that are used by the County Council and therefore could fetter the County Council's ability to request a developer contribution. It is therefore requested that the thresholds are removed from the SPD.	Former paragraph 3.12 has been deleted in line with these comments, and therefore no longer includes thresholds. For consistency, the thresholds that were included 11.2 regarding healthcare contributions have also been deleted from the updated SPD.
Cumbria County Council	Detailed comments provided that suggest adding more information and clarity regarding the use of the TRICS database for calculating trip rates and when they should be established in the planning process.	New paragraphs 3.16 and 3.17 added to provide further information about the use of the TRICS database, in accord with the comments from the County Council.



Cumbria County Council	Paragraph 3.6 – it is suggested that the reference to “the Local Highway Authority” is changed to “Cumbria County Council”.	Change made accordingly (now paragraph 3.8).
<b>4.0 Cycling and Walking</b>		
<b>Consultee</b>	<b>Summary of Comments</b>	<b>Council Response</b>
Cumbria County Council	Wording is suggested to clarify that developer contributions will be required to secure the delivery of cycling and walking infrastructure identified within the LCWIP.	Paragraph 4.3 has been amended in accord with the comments from the County Council.
Cumbria County Council	Reflecting the County Council's role, it is recommended that the word “developing” is changed to “facilitating” in Paragraph 4.4. It is also suggested that the final sentence of this paragraph is amended to read, “The partnership recognises that there is significant potential in Barrow for more journeys to be made by walking and cycling if the right <u>infrastructure</u> is put in place.”	Paragraph 4.3 has been amended in accord with the comments from the County Council.
<b>5.0 Public Transport</b>		
<b>Consultee</b>	<b>Summary of Comments</b>	<b>Council Response</b>
Cumbria County Council	Bus services referred to in paragraphs 5.3 and 5.8 have been subject to change.	Paragraphs 5.3 and 5.8 have been amended to take account of the changes to the bus services.
Cumbria County Council	Clarification is provided on the frequency of bus services. Costs were also assessed in 2016 and have been subject to change.	New paragraph 5.8 is added to take account of the frequency of bus services and that the cost of providing bus services has been subject to change.
<b>6.0 Travel Plans</b>		
<b>Consultee</b>	<b>Summary of Comments</b>	<b>Council Response</b>
Cumbria County Council	It is recommended that further explanatory text is included in Section 6.0 about the County Council’s role and that further	New paragraph 6.5 added to provide more information on the County Council’s role in the assessment and approval of

	information regarding Travel Plan requirements can be obtained from the County Council's Cumbria Planning Obligations Policy.	Travel Plans.
<b>7.0 Schools</b>		
<b>Consultee</b>	<b>Summary of Comments</b>	<b>Council Response</b>
Cumbria County Council	It is noted that Section 7.0 Schools aligns with the County Council's Cumbria Planning Obligations Policy and therefore there are no further comments at this time.	Comment noted.
Department for Education	The department welcomes the support provided within paragraph 7.7 of this SPD which supports "the development or expansion of new educational facilities where they are well related to the catchment that they will serve", and via Policy HC15 of the local plan	Comments noted. Cumbria County Council is the Local Education Authority (LEA), and DfE's comments will subsequently be forwarded to the LEA for their consideration.
Department for Education	Paras 7.9 to 7.11 – We would recommend that the SPD reference the DfE guidance on securing developer contributions for education, in particular paragraph 8 which recommends that pupil yield factors are based on up-to-date evidence from recent local housing developments. Paragraph 34 of the guidance encourages local authorities to take account of the higher pupil yields generated by new housing developments compared to the wider population.	Comments noted. Cumbria County Council is the Local Education Authority (LEA), and DfE's comments will subsequently be forwarded to the LEA for their consideration.
Department for Education	Paras 7.14 to 7.16 – When education needs from very large developments are assessed and there are plans to utilise capacity in existing schools, instead of, or in addition to a new onsite school, we recommend that you only consider the capacity of primary schools within the statutory walking distance.	There are no "very large" housing allocations in the Barrow Borough Local Plan, therefore it is not considered necessary to make this amendment.
Department for Education	The provision of SEND places is not addressed. We would recommend that the SPD be amended to include a section outlining how the need for SEND places generated by new developments will be calculated, and how developer	Comments noted. Cumbria County Council is the Local Education Authority (LEA), and DfE's comments will subsequently be forwarded to the LEA for their consideration.

	contributions to support these places will be calculated	
Department for Education	Para 7.5 – the reference to paragraph 94 of the NPPF should be changed to paragraph 95.	Paragraph 7.5 has been amended accordingly.
Department for Education	The department welcomes the policy approach set out within the Cumbria County Council’s planning obligations policy (paragraph 6.2.2) asserts that both land and funding for the provision of schools will be required, and which is in turn the approach advocated by this SPD – this approach accords with our guidance and Planning Practice Guidance.	Comments noted.
<b>9.0 Biodiversity Net Gain</b>		
<b>Consultee</b>	<b>Summary of Comments</b>	<b>Council Response</b>
Cumbria County Council	The approach to biodiversity net gain is supported. There is further guidance expected from Defra to support the national roll-out of LNRS across the whole of England, and which may help further inform development of the “local guidance”.	Comments noted.
<b>10.0 Green Infrastructure</b>		
<b>Consultee</b>	<b>Summary of Comments</b>	<b>Council Response</b>
Cumbria County Council	<p>The provision and enhancement of green networks through developer contributions is supported.</p> <p>The draft SPD indicates that further guidance will be provided in a “Green Infrastructure SPD”. It is important that the further SPD supports a site responsive design approach that in the first instance seeks to retain, as far as is practicable, areas of natural value e.g. vegetation and systems such as riparian areas, in-line with the mitigation hierarchy of avoidance, mitigation and compensation for biodiversity loss. In preparing the guidance it will also be important to integrate flood mitigation / drainage and active transport considerations, including ensuring that the guidance aligns with relevant</p>	Comments noted.

	policies and design standards.	
<b>12.0 Section 106 Monitoring Fees</b>		
<b>Consultee</b>	<b>Summary of Comments</b>	<b>Council Response</b>
Cumbria County Council	It would be beneficial to clearly state that Section 12.0 relates to monitoring fees that may be sought by Barrow Borough Council and that other authorities may separately seek to charge a monitoring fee.	New paragraph 12.6 added to clarify that other authorities may separately seek to charge a monitoring fee.

## Appendix

### List of consultees

#### Specific

The specific consultation bodies include:

- Cumbria County Council
- Cumbria Police Authority
- Department for Communities and Local Government
- Environment Agency
- Historic England
- Home and Communities Agency
- Natural England
- North West Regional Leaders Board
- North Western Inshore Fisheries and Conservation Authority
- The Coal Authority
- The Secretary of State for Transport

#### Neighbouring Local Authorities

- Copeland Borough Council
- South Lakeland District Council

#### Parish Councils

- Askam and Ireleth Parish Council
- Dalton with Newton Town Council
- Lindal and Marton Parish Council

#### Neighbouring Parish Councils

- Aldingham Parish Council
- Kirkby and Ireleth Parish Council
- Millom Town Council
- Millom without Parish Council
- Pennington Parish Council
- Urswick Parish Council

#### Owners/controllers of electronic communications apparatus

- Arqiva Services Limited
- EE
- Three
- Vodafone and O2

#### Organisations which provide electricity, gas or water, or deal with sewerage

- Electricity North West Limited (ENW)
- Northern Gas Networks
- United Utilities Water Limited

## General

The general consultation bodies include:

- Active Cumbria
- Age UK Barrow and District
- Askam Road Resident Group
- Associated British Ports
- AWAZ Cumbria
- Barrow and District Disability Association
- Barrow and District Society for the Blind Ltd
- Barrow Civic and Local History Society
- Barrow Gypsy Group
- Barrow Island Community Trust
- Barrow Tenant's with Disability Forum
- Barrow Tenants' Forum
- Barrow Traders Association
- Bluesky Planning
- Cadet Gas
- Centrica
- Chetwynde School
- Churches together in Barrow
- Churches together in Dalton
- Churches Trust for Cumbria
- CLA North (Country Land and Business Association)
- Cumbria Clinical Commissioning Group
- Cumbria County Council
- Cumbria Deaf Vision
- Cumbria Disability Network
- Cumbria Local Enterprise Partnership
- Cumbria Partnership NHS Foundation Trust
- Dalton Local History Society
- Dalton Residents Stakeholder Group
- Dalton Traders Association
- DARE Dance Studio
- Department for Education
- Devonshire Road Residents and Tenants Association
- Feet First in Furness
- Four Groves Community Association
- Furness Academy
- Furness Building Society
- Furness Multi-Cultural Community Forum
- Furness Ramblers Association
- Furness Rugby Union Football Club
- Grange and Cartmel Crescent Residents and Tenants Association
- Hindpool Community Association
- Keep Our Future Afloat Campaign
- Marine Management Organisation Northern Office

- MIND in Furness
- Morcambe Bay Partnership
- National Federation of Gypsy Liaison Groups
- NHS England
- NHS Property Services Ltd
- North Walney Residents' Association
- North West Ambulance Service
- North West Regional Leaders Board
- Openreach Newsites (British Telecom)
- Ormsgill Youth and Community Association
- OutReach Cumbria
- PC Lettings
- Phil Collier Associates
- Residents of Netherby Drive
- Rosegate Residents and Tenants Association
- St Bernard's Catholic High School
- Stoneleigh Close Residents Association
- Strategic Investment and Property, Cumbria County Council
- Street Voice for Barrow Island
- The National Federation of Liaison Groups
- Thomas Eggar LLP
- United Utilities Property Services
- University Hospitals of Morcambe Bay NHS Foundation Trust
- University Hospitals of Morcambe Bay Trust
- University of Cumbria Head Office
- Vulcan Road Tenants and Residents Association

### Other

Other consultation bodies include:

- Accent North West
- Adult and Local Services
- Anchor Trust
- Applethwaite Limited
- Barrow and District Council for Voluntary Service
- Barrow Borough Sports Council
- Barrow Golf Club
- Barrow Sixth Form College
- British Astronomical Association
- British Horse Society
- CALC
- Children's Services
- Citizen's Advice Bureau
- Civil Aviation Authority
- Country Land and Business Association
- Cumbria and Lancashire Community Rehabilitation Company
- Cumbria Constabulary
- Cumbria Fire and Rescue Service

- Cumbria GeoConservation Group
- Cumbria Local Access Forum
- Cumbria Partnership Forum
- Cumbria Playing Fields Association
- Cumbria Tourism
- Cumbria Wildlife Trust
- Design Council
- Diocese of Carlisle
- Eamont Close Sheltered Housing Forum
- Fair oak Housing Association
- Federation of Small Businesses
- FFT Planning
- Fields of Trust
- Friends of the Earth
- Friends of the Lake District (CPRE)
- Furness College
- General Aviation Awareness Council
- Health and Safety Executive
- HM Revenue and Customs
- Home Builders Federation
- Home Group
- Impact Housing Association
- Inspira Cumbria
- Invest in Cumbria (CIIA)
- Jobcentre Plus
- Lake District National Park Authority
- Local Flood Risk Management Team, Cumbria County Council
- Maritime and Coastguard Agency
- National Farmers Union
- National Grid
- National Highways
- Network Rail
- NHS North West
- North of England Civic Trust
- North Western Inshore Fisheries and Conservation Authority
- Office of Nuclear Regulation
- Ramblers Association
- Road Haulage Association – Northern Region
- Royal Mail Group PLC
- Royal Yachting Association
- RSPB
- Sport England
- Street Voice for Lord Street Area
- Sure Start (Cumbria)
- The Campaign for Real Ale
- The Crown Estate
- The Gypsy Council
- The Lawn Tennis Association



- The National Trust
- The Planning Inspectorate
- The Princes Trust
- The Sea Cadets (Barrow)
- The Theatres Trust
- The Woodland Trust
- University Hospitals of Morcambe Bay NHS Trust
- Victoria Junior School
- Voluntary Action Cumbria

**Development Services**

Barrow Borough Council

Town Hall

Duke Street

Barrow-in-Furness

Cumbria

LA14 2LD

**Website:** [www.barrowbc.gov.uk/residents/planning/](http://www.barrowbc.gov.uk/residents/planning/)



Working together to support sustainable development within the Borough of Barrow-in-Furness

